

Michael J. Domino, President
John M. Bredemeyer III, Vice-President
Glenn Goldsmith
A. Nicholas Krupski
Greg Williams



Town Hall Annex
54375 Route 25
P.O. Box 1179
Southold, New York 11971
Telephone (631) 765-1892
Fax (631) 765-6641

BOARD OF TOWN TRUSTEES
TOWN OF SOUTHOLD

Minutes

Wednesday, June 20, 2018

5:30 PM

Present Were: Michael J. Domino, President
John M. Bredemeyer, Vice-President
Glenn Goldsmith, Trustee
A. Nicholas Krupski, Trustee
Greg Williams, Trustee
Elizabeth Cantrell, Senior Clerk Typist
Damon Hagan, Assistant Town Attorney

CALL MEETING TO ORDER
PLEDGE OF ALLEGIANCE

NEXT FIELD INSPECTION: Wednesday, July 11, 2018 at 8:00 AM
NEXT TRUSTEE MEETING: Wednesday, July 18, 2018 at 5:30 PM
at the Main Meeting Hall

WORKSESSION: Monday, July 16, 2018 at 4:30 PM at the Town Hall Annex
2nd floor Board Room, and on Wednesday, July 18, 2018 at 5:00 PM at the
Main Meeting Hall

APPROVE MINUTES: Approve Minutes of May 16, 2018

TRUSTEE DOMINO: Good evening, and welcome to our June 20th, 2018, regularly scheduled meeting. At this time I would like to call the meeting to order and ask that you stand for the pledge.

(Pledge of Allegiance).

TRUSTEE DOMINO: First I would like to recognize of the people on the dais. To my left is Trustee Bredemeyer, Trustee Glenn Goldsmith, Trustee Nick Krupski and Trustee Greg Williams. To my right is Assistant Town Attorney Damon Hagan and Senior Clerk Typist Elizabeth Cantrell. We also have with us tonight court stenographer Wayne Galante and Conservation Advisory Council member Carolyn Burghardt.

Agendas are located on the podium and also in the hall.
I would like to announce the postponements at this time.

Postponements are for a variety of different reasons. I would like to draw your attention to page ten, number four is no longer postponed. It's on the docket. And on pages 15 and 16, the following are postponed:

Number 14, **ALAN A. CARDINALE** requests a Wetland Permit to construct a communal dock serving Lots 1.5, 1.7, 1.8 & 1.9 consisting of a 4' wide wooden ramp at landward end connecting to a 4'x34' fixed wooden dock with a 4'x40' fixed "L" section; two 3'x14' adjustable ramps off of either end of 40' fixed dock section; two 6'x20' floating docks situated in an "I" configuration with two (2) 8" diameter float securing piles for each float; two (2) 8" diameter tie-off piles centered between the two floating docks; and two sets of two (2) 8" diameter tie-off piles situated approximately 13' away from each floating dock. Located: 570 Private Road #28, Mattituck. SCTM# 1000-122-3-1.5

Number 15, J.M.O. Environmental Consulting on behalf of **CHARLES & BRENDA GRIMES** requests a Wetland Permit to construct a 15'x24' bluestone patio on sand; stepping stone paths; 4'x6' steps; a 4'x158' fixed dock utilizing "Thru-Flow" decking; a 3'x12' ramp; and a 6'x20' float secured by two (2) piles. Located: 4145 Wells Road, Peconic. SCTM# 1000-86-2-12.6

Number 16, **CHERYL L. HANSEN REVOCABLE TRUST, c/o CHERYL HANSEN** requests a Wetland Permit to construct a 2,400sq.ft. two-story, single-family dwelling; new sanitary system; and proposed driveway.

Located: 405 Williamsberg Road, Southold. SCTM# 1000-78-5-17

Number 17, Jeffrey Patanjo on behalf of **KAREN & CAREY FLAHERTY** requests a Wetland Permit to remove existing fixed dock and steps to beach, and replace with a proposed 4'x68' fixed dock supported with 10" diameter CCA piles; install a seasonal 30"x16' aluminum ramp; install a 6'x20' seasonal floating dock with un-treated timber decking situated in an "I" configuration and supported by two (2) 10" diameter CCA piles.

Located: 1077 Bay Home Road, Southold. SCTM# 1000-56-5-39

Number 18, Stacey Bishop on behalf of **FORDHAM HOUSE LLC, c/o DENIS BOUBOULIS** requests a Wetland Permit to install a ±1,167sq.ft. On-grade paver patio along the seaward side of the dwelling; extend existing westerly 15' long by 10' high by 12" thick concrete and stone veneer retaining wall an additional 35' seaward for a total length of 50' beginning at the left rear corner of existing dwelling; at seaward end of westerly retaining wall, install a 28' long, varying height concrete and stone veneer retaining wall parallel with the dwelling; along easterly side of property, extend existing 3' high natural stone retaining wall an additional ±45' seaward; approximately 15' seaward of proposed 28' long parallel retaining wall, install a ±3' high by ±45' long retaining wall situated approximately 1' landward of established 50' wide non-disturbance buffer; and to install a generator pad, generator, and buried gas tank for the generator.

Located: 5205 The Long Way, East Marion. SCTM# 1000-21-5-11

Number 19, AMP Architecture on behalf of **WILLIAM GRELLA & GARY OSBORNE** request a Wetland Permit for the as-built 232sq.ft. Belgium block parking area; as-built 121sq.ft. Belgium block walkway; as-built 517.3sq.ft. managed lawn areas; as-built 240sq.ft. gardens; as-built 160.5sq.ft. crushed shell areas; as-built 22.3sq.ft. metal planter box; as-built 14.3sq.ft. metal waterfall; as-built 15sq.ft. rear concrete stairs; as-built 713sq.ft. pavers on sand; as-built 95sq.ft. gravel on sand; as-built 11sq.ft. fire pit on sand; as-built 41sq.ft. open shower with Belgium block on sand base; as-built two (2) 7.2sq.ft. concrete table bases; as-built 16sq.ft. front concrete stairs; and for the proposed installation of a 46.4sq.ft. set of second-story wood stairs consisting of a 4'x4.3' upper platform with 4'x7.4' stairs to seaward side patio area; proposed installation of 27sq.ft. of pavers on sand.
Located: 1200 First Street, New Suffolk. SCTM# 1000-117-7-30

Those are all postponed. If you are here for those, you might as well take off.

TRUSTEE GOLDSMITH: Page nine, number ten, is that supposed to be postponed?

MS. CANTRELL: Yes.

TRUSTEE DOMINO: I also draw your attention to page nine, number ten, Samuels & Steelman Architects on behalf of **JAMES & KATHLEEN BLACKLEY** request an Administrative Amendment to Administrative Permit #9008A to remove existing 467sq.ft. waterside deck and construct new 562sq.ft. deck; and to relocate the hot tub to be installed seaward of the shed, approximately 89.5' from existing bulkhead.

Located: 415 Harbor Lights Drive, Southold. SCTM# 1000-71-2-4 has been postponed for possible ZBA variance, which needs to be determined by the Building Department.

I would like to announce at this time under Town Code Chapter 275-8(c), files were officially closed seven days ago. Submission of paperwork after that date may result in a delay of the processing of the application.

At this time, I'll entertain a motion to have our next field inspection on Wednesday, July 11th, 2018, at 8:00 AM, at the town annex, and revise the August field inspection from the 8th of August to the 7th of August.

TRUSTEE BREDEMEYER: So moved.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: Motion made and seconded. All in favor? (ALL AYES).

TRUSTEE DOMINO: I'll entertain a motion now to hold the next Trustee meeting Wednesday, July 18th, 2018, at 5:30, at the main meeting hall.

TRUSTEE KRUPSKI: So moved.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor? (ALL AYES).

TRUSTEE DOMINO: I would like a motion to hold the next

work sessions, plural, at the town annex board room second floor on July 16th, 2018, at 4:30 and at 5:00 PM, Wednesday, July 18th, 2018, at the main meeting hall.

TRUSTEE BREDEMEYER: So moved.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: At this time, I'll entertain a motion to approve the Minutes of May 16th, 2018.

TRUSTEE GOLDSMITH: So moved

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

I. MONTHLY REPORT:

The Trustees monthly report for May 2018. A check for \$10,988.39 was forwarded to the Supervisor's Office for the General Fund.

II. PUBLIC NOTICES:

Public Notices are posted on the Town Clerk's Bulletin Board for review.

III. STATE ENVIRONMENTAL QUALITY REVIEWS:

RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section VIII Public Hearings Section of the Trustee agenda dated Wednesday, June 20, 2018, are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

Cross Sound Ferry Services, Inc., c/o Richard MacMurray SCTM# 1000-15-9-16
Kenneth & Joann Zahler SCTM# 1000-31-18-3
East Wind Shores Condominium Owners Association SCTM# 1000-51-5-4
Ann T. Krom SCTM# 1000-145-2-19
Cynthia Ann Spreeman SCTM# 1000-70-6-16
Paradise Point Association, c/o Douglas Ciampa SCTM# 1000-81-1-16.10 & 16.11
Kevin Whitrock SCTM# 1000-123-6-20
Gayle B. Wallace SCTM# 1000-136-1-3 (Dominant); 1000-136-1-1 & 1000-136-1-5 (Servient)
Anthony & Angela Geraci SCTM# 1000-35-5-35
Bay Avenue Holdings, LLC, c/o Edward Viola SCTM# 1000-104-8-2.5
Florence Vasilakis, Alexander Vasilakis & Demetrios Vasilakis SCTM# 135-1-6
Cheryl L. Hansen Revocable Trust, c/o Cheryl Hansen SCTM# 1000-78-5-17

TRUSTEE BREDEMEYER: I'll second that.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section VIII Public Hearings Section of the

Trustee agenda dated Wednesday, June 20, 2018, are classified as Unlisted Actions pursuant to SEQRA Rules and Regulations. A Short Environmental Assessment Form and a field inspection have been completed by the Trustees for the following applications and it is hereby determined that they will not have a significant effect on the environment:

Alan A. Cardinale SCTM# 1000-122-3-1.5
TRUSTEE BREDEMEYER: Second.
TRUSTEE DOMINO: All in favor?
(ALL AYES).

IV. ENVIRONMENTAL DECLARATION OF SIGNIFICANCE PURSUANT TO NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT NYCCR PART 617:

TRUSTEE DOMINO: Under Roman numeral IV, Environmental Declaration of Significance pursuant to New York State Environmental Quality Review Act.

1. DESCRIPTION OF ACTION: **ALAN A. CARDINALE** requests a Wetland Permit to construct a communal dock serving Lots 1.5, 1.7, 1.8 & 1.9 consisting of a 4' wide wooden ramp at landward end connecting to a 4'x34' fixed wooden dock with a 4'x40' fixed "L" section; two 3'x14' adjustable ramps off of either end of 40' fixed dock section; two 6'x20' floating docks situated in an "I" configuration with two (2) 8" diameter float securing piles for each float; two (2) 8" diameter tie-off piles centered between the two floating docks; and two sets of two (2) 8" diameter tie-off piles situated approximately 13' away from each floating dock.

Located: 570 Private Road #28, Mattituck. SCTM# 1000-122-3-1.5

S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:

TRUSTEE BREDEMEYER: WHEREAS, on May 8, 2017 the Southold Town Board of Trustees found the application of **ALAN A. CARDINALE** to be classified as an Unlisted Action Negative Decision pursuant to SEQRA Rules and Regulations. A Short Environmental Assessment Form and a field inspection have been completed by the Board of Trustees, and it is hereby determined that it will not have a significant effect on the environment, and;

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on May 9, 2017, and June 13, 2018, and having considered plans for this project dated April 12, 2017 showing the proposed dock and water depths provided by Nathan Taft Corwin III, Land Surveyor, and;

WHEREAS, in reviewing the project plans dated April 12, 2017, it has been determined by the Southold Town Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

- Navigation: The proposed dock meets standards and does not extend beyond 1/3 across the water body. Depths for the dock terminus are within Town Trustees, New York State Department of Environmental Conservation and United States Army Corps. Of Engineers guidelines, and there is no recognized Federal/New York State/Town navigation channel in the immediate vicinity of the proposed structure.

- Scope: The proposed dock is comparable to docks on neighboring properties in an area where docks historically are used for commercial and recreational purposes.
- Toxicity: The proposed dock decking shall be constructed entirely of non-toxic materials.
- Scope in relation to the riparian rights of shellfishers: The plan allows a standard ramp to float design that will not impede access for small vessels at low tide, and those seeking shellfish and crustacea on foot in season.
- Scope in relation to small human powered water craft to navigate the waters adjacent to the proposed structures: At low tide a kayak might be able to paddle around this structure as it projects only 40 feet into the water body.
- Scope in relation to view sheds: The seaward end of the proposed dock lies within the pier line of existing docks that frame the view shed. As such the perspective will not be discernibly different from the existing view.
- Environmental upkeep: The dock design projects a lifespan of 30 years, and with limited pile replacement minimizes bottom disturbance.

THEREFORE, on account of the foregoing, the Southold Town Board of Trustees approve and authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

TRUSTEE DOMINO: Is there a second?

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number two, RESOLVED, that the Board of Trustees for the Town of Southold hereby rescinds its previously issued Environmental Declaration of Significance Pursuant to the New York State Environmental Quality Review Act dated April 5, 2018 regarding the application of Jeffery Patanjo on behalf of **KAREN & CAREY FLAHERTY**.

Located at 1077 Bay Home Road, Southold. SCTM# 1000-56-5-39

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Number three, RESOLVED, that the Board of Trustees for the Town of Southold hereby declares the Board of Trustees for the Town of Southold Lead Agency regarding the application of Jeffery Patanjo on behalf of **KAREN & CAREY FLAHERTY**, located at 1077 Bay Home Road, Southold at SCTM#1000-56-5-39, pursuant to the New York State Environmental Quality Review Act.

TRUSTEE DOMINO: Is there a second?

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number four, WHEREAS, J.M.O. Environmental

Consulting on behalf of **CHARLES & BRENDA GRIMES** has submitted an application for a Wetland Permit to construct a 15'x24' bluestone patio on sand; stepping stone paths; 4'x6' steps; a 4'x158' fixed dock utilizing "Thru-Flow" decking; a 3'x12' ramp; and a 6'x20' float secured by two (2) piles for the property located at 4145 Wells Road, Peconic. SCTM# 1000-86-2-12.6, and; WHEREAS, on April 6, 2018 the Board of Trustees adopted a resolution that among other things, stated that a Long Environmental Assessment Form had been prepared, and; WHEREAS, a Short Environmental Assessment Form has been prepared and a field inspection has been completed by the Board of Trustees, and; WHEREAS, there is no potential significant impacts on the environment noted in the Short Environmental Assessment Form; NOW THEREFORE BE IT RESOLVED, that the Board of Trustees for the Town of Southold hereby rescinds the resolution regarding this proposed action dated April 6, 2018, and; BE IT FURTHER RESOLVED, that the Board of Trustees for the Town of Southold hereby declares itself Lead Agency for the purposes of Article 8 of the Environmental Conservation Law, and; BE IT FURTHER RESOLVED, the Board of Trustees for the Town of Southold hereby classifies the proposed action as an Unlisted Action pursuant to SEQRA, and elects to undertake an uncoordinated review of the proposed action, and; BE IT FURTHER RESOLVED, Board of Trustees for the Town of Southold hereby finds that the proposed action will have no significant or moderate adverse environmental impacts and hereby issues a Negative Determination of Environmental Significance ("Negative Declaration)" pursuant to Part 617 of State regulations issued pursuant to Article 8 the State Environmental Quality Review Act of the Environmental Law. TRUSTEE BREDEMEYER: Second. TRUSTEE DOMINO: Motion made and seconded. All in favor? (ALL AYES).

V. RESOLUTIONS - ADMINISTRATIVE PERMITS:

TRUSTEE DOMINO: Number five, Resolutions, Administrative Permits.

In order to simplify our meetings, the Board of Trustees regularly groups together actions that are deemed minor or similar in nature. Accordingly, I'll make a motion to approve as a group items one through eleven. They are listed as follows:

Number one, Patricia Moore, Esq. on behalf of **THE RAIMI FAMILY TRUST** requests an Administrative Permit to remove existing dilapidated dwelling, associated footings, pillars, utilities, abandon/remove sanitary system, and existing storm damaged bluff stairs to beach; install temporary plywood supports, as needed, to protect bluff from erosion until restoration plan prepared and applied for in accordance with Town Codes Chapter 275 and Chapter 111.

Located: 1455 Aquaview Avenue, East Marion. SCTM# 1000-22-2-2

Number two, Heidtmann & Sons, Inc. on behalf of **GEORGE RIGAS** requests an Administrative Permit to install an 8.5'x23' bbq/kitchen area with a counter approximately 36" above existing pool patio, a paver floor and a 16" wide stone sitting area; proposed \pm 2.5'x4' steps to ground off existing patio; and as-built 1.5'x23' wooden planter using 6"x6" railroad ties constructed to approximately 1.5' above grade off of pool patio. Located: 675 Hill Road, Southold. SCTM# 1000-70-4-28

Number three, Patricia Moore, Esq. on behalf of **REUBEN & MARGERY DAVID** request an Administrative Permit to install a 5'x10' dog run on south side of property; replace existing fencing with new 6' high fencing along both side yard lot lines; and install 3'-4' high fencing across the property, landward of the 10' wide non-turf buffer. Located: 1130 Glenn Road, Southold. SCTM# 1000-78-2-29

Number four, **ANTHONY & STEPHANIE WAGGONER** request an Administrative Permit to demolish existing one-story frame building and accessory structures attached to it; remove existing foundation; add approximately 20 cubic yards of clean fill to existing grade and re-seed disturbed area. Located: 1695 Wickham Avenue, Mattituck. SCTM# 1000-140-1-1

Number five, Doris McGreevy, Chairperson on behalf of **MATTITUCK PARK DISTRICT** requests an Administrative Permit for a Ten (10) Year Maintenance Permit to hand-cut Common Reed (*Phragmites australis*) to 12" in height by hand, as needed; and to remove bushes in right of way, and to vegetate in remaining area. Located: 9320 Great Peconic Bay Boulevard, Laurel. SCTM# 1000-126-5-20.1

Number six, **MATTITUCK YACHT CLUB** requests an Administrative Permit for a Ten (10) Year Maintenance Permit to hand-cut Common Reed (*Phragmites australis*) to 12" in height by hand, as needed; remove the weeds and other vegetation along the rear of the property; and add 175 cubic yards of clean fill to area in order to level out the slope for storage use. Located: 9462 Great Peconic Bay Boulevard, Laurel. SCTM# 1000-126-5-20.1

Number seven, En-Consultants on behalf of **MICHAEL & ELYSE FILON** requests an Administrative Permit to install a 100 sq. ft. Pervious gravel pad/patio with steel edging and stepping stones landward of existing bluff stairway and top of bluff; remove invasive/non-native weed species (e.g., mugwort, garlic mustard) and establish supplemental native plantings (e.g., little bluestem, red switch grass) within \pm 3' x 21' and \pm 10' x 35' naturally vegetated areas between top of bluff and edge of lawn; enhance \pm 8' x 30' and \pm 15' x 30' areas of existing bluff face vegetation with native vegetation (e.g., northern bayberry, seaside goldenrod); create a 3' wide sand path between bottom of stairway and retaining wall; and install a 3' x 4' removable aluminum steps to beach off retaining wall. Located: 2710 Dignans Road, Cutchogue. SCTM# 1000-83-2-6.2

Number eight, Karen Tezcinski on behalf of **IRENE KOSEL** requests an Administrative Permit for a Ten (10) Year

Maintenance Permit to hand-cut Common Reed (*Phragmites australis*) to 12" in height by hand, as needed; and to cut back/trim the shrubs along the bank of the creek.

Located: 220 Glenn Road, Southold. SCTM# 1000-78-2-20

Number nine, Suffolk Environmental Consulting on behalf of **470 LLOYDS LANE, LLC, c/o ANDREW DRAZIC** requests an Administrative Permit to prune the existing black cherry trees; remove all down debris; remove invasive vines; and re-vegetate with bayberry (1 gallon potted) in all exposed areas within the 25' wide non-turf buffer area.

Located: 470 Lloyds Lane, Mattituck. SCTM# 1000-99-3-4.3

Number ten, Robert Brown Architects on behalf of **JEFF SEIBEL & JUDITH ALPERT-SEIBEL** request an Administrative Permit to construct a proposed 668sq.ft. wood deck with steps to ground in the northeasterly rear yard; and construct a proposed 38sq.ft. wood entry deck landing with steps to ground in the front yard on southerly side.

Located: 8045 North Bayview Road, Southold. SCTM# 1000-79-4-66

Number eleven, **ROBERT & PATRICIA ALCUS** request an Administrative Permit for a Ten (10) Year Maintenance Permit to hand cut the Common Reed (*Phragmites australis*) to no shorter than 12" in height, on an as needed basis.

Located: 1457 Cedar Point Drive East, Southold. SCTM# 1000-92-1-2.1

TRUSTEE BREDEMEYER: I'll second that motion.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Item 12 on page six is the application of **STEPHEN & PHYLLIS GRANDE** requests an Administrative Permit for the removal of the 15'x38' deck and replace with a 15'x38' on grade patio; remove barbecue area and replace with a 9.2'x3.4' fire pit in-place; install two (2) 8'x12' sheds, one near east and one near west side yard lot lines; and to add fill, re-grade and re-seed within a depression area landward of the edge of vegetated wetlands.

Located: 55 Cedar Point Drive West, Southold. SCTM# 1000-90-2-23

This project comes to us by virtue of an incomplete compliance inspection performed by Trustee Pres. Domino. On subsequent inspection it was found that these items were brought into compliance and thereby would address the inconsistency that was noted by the LWRP coordinator that the project now meets the standards for the Trustees and is suitable for the issuance of a permit.

Accordingly, I move to approve this application, having been brought into consistency by virtue of field inspection.

TRUSTEE DOMINO: Second?

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application, item 13, James DeLucca, R.A. on behalf of **DOUGLAS ROBALINO** requests an

Administrative Permit to remove part of existing rear deck and south stairs with existing 12.1'x14.5' section of deck to remain; construct a 14'x18' side yard deck; construct a 25'x30' front yard detached garage; remove the existing 11.2'x18' front yard shed; existing waterside 7.4'x9.3' shed to remain; and to remove existing roof rafters and sheathing, and install new roof trusses and sheathing on dwelling.

Located: 1695 Bay Avenue, East Marion. SCTM# 1000-31-9-21.1

This project has been deemed inconsistent under the Town's LWRP because structures did not have permits that predated permitting of the Trustees.

The Board of Town Trustees performed a pre-submission inspection of the site during the winter at which time we pointed out to the prospective applicant that the area to the seaward of an existing concrete wall on the downslope to what is Marion Lake would need to be protected with a non-disturbance vegetative buffer where the only activities that would be allowed would be to remove invasive vegetation.

So in keeping with the recommendation of the Trustees on the pre-submission discussion and the site inspection that I performed on June 14th, which confirmed that there is valuable native vegetation to this area waterward of the concrete retaining wall as noted on the property survey last dated May 21st, 2018, by Nathan Taft Corwin III, I would move to approve this application subject to the creation of a non-disturbance area waterward of the concrete retaining wall as shown on the Nathan Taft Corwin survey last dated May 21st, whereby bringing this project into consistency with the Town's LWRP by virtue of granting a permit for the proposed activities.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application is number 14, page seven, Rich Bosworth on behalf of **RACHEL LEVIN** requests an Administrative Permit for the existing seaward side 8.6'x22' concrete porch; and to replace the existing porch railing with new code compliant porch railing.

Located: 58625 County Road 48, Greenport. SCTM# 1000-44-2-18

This application also was the subject of a pre-submission review by the entire Board of Trustees, and the cottage and its railings predate permitting. The inconsistency draws from the fact it doesn't have current permit status from the Board of Trustees. It's a very straightforward compliant rail system, and such that it brings it into code for safety purposes, which is right adjacent to Long Island Sound.

So accordingly, I would approve this application consistent with the approval of the Town's Building Department and thereby bringing this into consistency with the Town's LWRP. That's my motion.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: The next application, number 15, **MICHAEL RACZ & GAIL DESSIMOZ** request an Administrative Permit to install an additional 309 feet of fencing along the bluff, along the easterly side yard, and up to the sides of the dwelling in order to enclose the waterside yard.

Located: 4255 Hallock Lane, Laurel. SCTM# 1000-112-1-4.1

This project was reviewed by the Board of Trustees as well as a separate field inspection by Trustee Glenn Goldsmith. Based on the survey stamped in the Trustee office, May 21st, 2018, Young & Young Surveyors, last dated May 19th, 2008, the Board had extensive discussions with, among ourselves during the course of work session, and the inconsistency for this project draws from the fact the proposed fence is extending seaward of the top of the bluff and is deemed to be a heavily vegetated area, so the Board of Trustees is concerned that a fence placement in that area would be contrary to good conservation practice, as well as the report of the LWRP coordinator.

After discussion and reviewing the plans, the Board feels it would be appropriate that the fence placement would be better placed near the topographical crest of the bluff, and the exact distance from the top of the bluff, I would defer to Trustee Goldsmith because I don't believe we specified the distance from the top of the bluff.

TRUSTEE GOLDSMITH: No, it's pretty well delineated with the vegetation. So when the lawn ends at the top of the bluff.

TRUSTEE BREDEMEYER: Okay, thank you. Accordingly, to bring this project into consistency with the concerns of the LWRP coordinator, I would move to approve this application with the stipulation that the fence shall be landward of the topographical crest of the bluff in an area where the lawn ends, and that bluff be also on the plan of Young & Young Surveyors last dated May 19th, 2008, and inspected by Trustee Goldsmith on June 18th, thereby bringing this into consistency with the LWRP. That's my motion.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?
(ALL AYES).

VI. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:

TRUSTEE DOMINO: Under Roman numeral VI, Application for Extensions, Transfers, Administrative Amendments.

Again, in order to simplify our meetings, the Board of Trustees regularly groups together actions that are deemed minor or similar in nature. Accordingly, I make a motion to approve as a group items one through nine. They are listed as follows:

Number one, **GEORGE & CATHRYN WILLIAMS** request a Transfer of Wetland Permit #481 from Edouard Beaugard to George & Cathryn

Williams, as issued on June 23, 1988.

Located: 830 Tarpon Drive, Southold. SCTM# 1000-57-1-9

Number two, **THEODORE & HEIDI ANDREADES** request a Transfer of Wetland Permit #2167 from Maureen Massa & Alan Schweitzer to Theodore & Heidi Andreades, as issued on July 31, 1986.

Located: 790 Ruch Lane, Southold. SCTM# 1000-52-2-29

Number three, **ERIC BAIZ & ROBERT BAIZ** request a Transfer of Wetland Permit #4249 from Mary L. Baiz to Eric Baiz & Robert Baiz, as issued on October 28, 1993, and Amended on July 27, 1995.

Located: 1260 Bay Home Road, Southold. SCTM# 1000-56-5-1.2

Number four, **BIM STRASBERG & ALEXANDRA LEWIS** request a Transfer of Wetland Permit # 7380 and Coastal Erosion Permit #7380C from Robert McMahon, c/o David Moore to Bim Strasberg & Alexander Lewis, as issued on August 18, 2010.

Located: 21225 Soundview Avenue, Southold. SCTM# 1000-135-1-1

Number five, Patricia Moore, Esq. on behalf of **JACK CIPRIANO** requests a One-Year Extension to Wetland Permit #8830, as issued on June 22, 2016.

Located: 8150 Main Bayview Road, Southold. SCTM# 1000-87-5-23.6

Number six, **HENRY & MELISSA SILVERMAN** request an Administrative Amendment to Wetland Permit #8828 for the originally proposed tie-off pile was modified to become an as-built third batter pile; and for the as-built ramp and winch that has been incorporated into the 6'x20' floating dock.

Located: 2800 Deep Hole Drive, Mattituck. SCTM# 1000-123-4-12

Number seven, **ALFRED MAGILL** requests an Administrative Amendment to Administrative Permit #8670A to install an 8'x12' shed in lieu of the originally approved 8'x10' shed in same location.

Located: 1145 Fleetwood Road, Cutchogue. SCTM# 1000-137-4-26

Number eight, En-Consultants on behalf of **IRA & SUSAN AKSELRAD** request an Administrative Amendment to Wetland Permit #8919 to install 4' high black wire mesh pool enclosure fencing along northerly and southerly property lines, and along top of $\pm 1.5'$ high wood retaining wall on bluff face and existing stairway landing; install fence gate on stairway landing; repair/replace as needed approximately 200 linear feet of $\pm 1.5'$ high wood retaining wall on bluff face; and hand-remove invasive mugwort on bluff face and replace with plugs of Cape American beach grass.

Located: 4125 Nassau Point Road, Cutchogue. SCTM# 1000-111-9-6.4

Number nine, **DEBORAH DOTY** requests an Administrative Amendment to Wetland Permit #6453 to replace the four (4) 4"x4" support posts at seaward end of catwalk with four (4) 8" diameter 20' long pilings (installed upside down).

Located: 670 West Creek Avenue, Cutchogue. SCTM# 1000-103-13-5.3

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

VII. MOORINGS/STAKE & PULLEY SYSTEMS:

TRUSTEE DOMINO: Under Roman numeral VII, Moorings/State and Pulley Systems.

Number one, **JASON TAGGART** requests a Mooring Permit for a mooring in Corey Creek for a 17' outboard motorboat, replacing Mooring #706. Access: Public

I make a motion to approve that.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application under item VII on page nine, **PANAGIOTIS RODAMIS** requests a Mooring Permit for a mooring in Gull Pond for a 25' motor boat, replacing mooring #25. Access: Public

I would move to approve this application as submitted.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

VIII. PUBLIC HEARINGS:

TRUSTEE DOMINO: Under Roman numeral VIII, public hearings. At this time I'll make a motion to go off our regular agenda and enter the public hearings.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: This is a public hearing in the matter of the following applications for permits under the Wetlands Ordinance of the Town of Southold. I have an affidavit of publication from the Suffolk Times. Pertinent correspondence may be read prior to asking for comments from the public. And I request that you keep your comments brief and organized, five minutes or less, if possible.

WETLAND & COASTAL EROSION PERMITS:

TRUSTEE BREDEMEYER: The first application, under Wetland & Coastal Erosion Permits, number one, **SCOTT KAUFMAN** requests a Wetland Permit and a Coastal Erosion Permit to remove existing damaged stairway and terrace retaining walls; construct along eroding toe of bluff approximately 210 linear feet of stone revetment, including angled westerly return, all consisting of approximately 3 to 5-ton stone placed over 50 to 100-pound core stone and filter cloth; restore bluff face using terrace retaining walls, approximately 600 cubic yards of sand re-nourishment (including approximately 350 cubic yards to cover proposed revetment), and native plantings; construct a ±3' wide berm with ±50 cubic yards of sand/loam within 15' wide vegetated non-turf buffer to be established adjacent to bluff crest to control storm-water runoff; and construct a new 4'x±50' elevated bluff stairway with landings and handrails consisting of 4' wide

x ±3' long entry steps at top of bluff down to a 4'x8' upper platform with bench to 4' x ±8' steps to a 4'x8' middle landing with bench to 4' x ±10' steps to a 4'x4' middle landing to 4' x ±8' steps to a 4'x6.7' lower landing to 4' x ±14' stairs to beach. Located: 2050 Dignans Road, Cutchogue. SCTM# 1000-83-2-7.3

This project has been deemed to be consistent by the Town's LWRP, with several questions which I'll read along with the Trustee questions, that they parallel those questions the Trustees had from our field inspection.

And the CAC recommended supporting the project using best management practices. The CAC questions the viability without the reassurance of the neighbor will actually harden their shoreline.

With respect to the questions that were raised by the Trustees during their current field inspection and reinspection, we have been to this site two times and revisited this to confirm that the erosion from this last winter was not severe and required an updated project plan. Last inspected was by the entire Board on January 9, and we had questions subsequent to that because of the damage which has been confirmed with the licensed engineer in charge of the project on a revisit, Jeffrey Butler, who is a licensed engineer confirmed there is no additional erosion. Questions the Trustees specifically had were questions about access and discussion there will be no bluff cuts allowed for accessing equipment.

And so with that, I open this hearing. Is there anyone here who wishes to speak on behalf of this application?
(No response).

Seeing there is no one here to speak on behalf of this application, any questions or concerns of the Trustees?
(Negative response).

TRUSTEE BREDEMEYER: We felt it was fairly straightforward. Based on the concerns of best manage the practice and the coastal erosion hazard area, I think the most important thing to do is to articulate no bluff cut allowed for access.

TRUSTEE KRUPSKI: Yes, definitely.

TRUSTEE BREDEMEYER: Any other concerns?
(Negative response).

It's pretty straightforward. Accordingly, no one speaking to this and the Trustees having discussed this, I would make a motion to close the hearing in this matter.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?
(ALL AYES).

TRUSTEE BREDEMEYER: I would make a motion to approve this application of Scott Kaufman as applied for with a stipulation there shall be no bluff cut for the project for the delivery of equipment or materials conducting activities. And the project is consistent with the LWRP

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: Motion made and seconded. All in favor?
(ALL AYES).

TRUSTEE WILLIAMS: Number two, Milone & MacBroom, Inc. on behalf of **CROSS SOUND FERRY SERVICES, INC., c/o RICHARD MACMURRAY** requests a Wetland Permit and a Coastal Erosion Permit to revitalize key components of the ferry service's terminal at Orient Point consisting of along the existing \pm 270 foot long bulkhead install \pm 270' of new bulkhead along the shoreline in front of the existing degrading bulkhead that is currently used for ship docking which will permanently fill \pm 600sq.ft. of water area; temporarily install docking dolphins to accommodate continued operations; remove existing vehicle access ramps and stanchions which will be rehabilitated and replaced; and any related support structures to be replaced.

Located: 41270 Main Road, Orient. SCTM# 1000-15-9-16

This project was found to be consistent by the LWRP.

The Conservation Advisory Council supports the application with a storm water runoff mitigation plan for the area around the elevated ramp and parking lot.

I, Trustee Williams, have visited this site twice, first on May 13th of this month. The plans look straightforward. The bulkhead is degrading and needs to be replaced.

At this point I would like to open the public hearing. Is there anyone here that wishes to speak to this application?

I see one hand. Yes, sir?

MR. JARVIS: Hi, my name is Glenn Jarvis, employee of Milone & MacBroom. I just want to say the ferry really needs to have this project done. It's been over 70 years since they have done any major rehab of this project. We are not going to expand any capacity, we are just going to replace all the equipment and ramps and support structures that are there now, so. That's all I have to say.

TRUSTEE WILLIAMS: Is there anybody else that wishes to speak to this application?

(Negative response).

Do the Trustees have any questions or discussion?

(Negative response).

At this point I make a motion to close the public hearing.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: At this point I would like to make a motion to approve the application as submitted.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number three, Jeffrey Patanjo on behalf of **KENNETH & JOANN ZAHLER** request a Wetland Permit to remove and replace the existing 28 linear foot long bulkhead in same location as existing using vinyl sheeting and meeting newly installed neighboring bulkheads; install 25 cubic yards of clean sand fill from an upland source landward of bulkhead; install

4'x4' seasonal steps to beach off bulkhead; and remove existing seaward side timber deck and install 3'x6' entry steps to dwelling. Located: 80 Rabbit Lane, East Marion. SCTM# 1000-31-18-3

The LWRP coordinator found this to be inconsistent for the following reason: That the structure was originally constructed without obtaining Board of Trustees review or regulatory permit.

The Conservation Advisory Council resolved to support this application indicating this area is a good place for future sanitary updates.

Trustee Bredemeyer visited this location for a site inspection on the 14th of June, noted that the project connects to the two neighboring bulkheads, both of which were already re-built after Tropical Storm Sandy.

Is there anyone here that wishes to speak regarding this application?

MR. PATANJO: Jeff Patanjo on behalf of the applicant. If you have any questions, I would be happy to answer them.

TRUSTEE KRUPSKI: Are there any questions or comments from the Board on this?

(Negative response).

It's just a straightforward replacement in-kind/in-place.

MR. PATANJO: Yes, sir.

TRUSTEE KRUPSKI: Anyone else here that wishes to speak to this application?

(Negative response).

Hearing nothing, I make a motion to close this hearing.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application as submitted, thereby bringing into consistency with the LWRP coordinator by granting it a permit.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number four, Young & Young on behalf of **ROBINSON ELIODROMYTIS** requests a Wetland Permit and a Coastal Erosion Permit to construct a two-story, single-family dwelling with the first floor area to include 1,320sq.ft. of living, storage and mechanical space on a pile foundation; adjacent to the dwelling construct a raised swimming pool and pool deck for a combined 769sq.ft. footprint with associated seaward side 4'x3.5' cantilevered platform with 3.5'x12' steps to ground, and landward side 4'x3.5' cantilevered platform with 3.5'x15' steps to ground; install a sanitary system on the landward side of the dwelling within an approximately 450sq. ft. area; install a proposed 4'x39.25' (157sq. ft.) Timber stairway and walk from proposed house to driveway; install a driveway consisting of 19 cubic yards of crushed stone over an area of 1,034sq.ft.; install public water and electric; approximately 432 cubic yards

of material will be excavated over an area of 1,978sq.ft. To facilitate the placement of 230 cubic yards of rock revetment over an area of 608sq.ft., and the placement of 89 cubic yards of rock armor over an area of 357sq.ft. to support the existing concrete seawall; approximately 199 cubic yards of clean sand backfill over an area of 972sq.ft. will be placed over the rock revetment to the finished grades shown on the plan; approximately 233 cubic yards of sand fill over an area of 1,254sq.ft. will be placed from the top of the rock revetment to the 5.50 contour; new native plants and rock will be placed to augment existing grasses and brush; the excavation and fill volumes are intended to be balanced and no excess material will leave the site.

Located: 600 Leeton Drive, Southold. SCTM# 1000-59-1-7

The LWRP found this to be inconsistent and consistent. The inconsistencies are: The coastal erosion hazard line splits the parcel with a shift seaward to account for the seawall. Part of the single-family residence and deck are located within the coastal erosion hazard area. The proposed action does not have a functional relationship to coastal waters and therefore is not a water-dependent use pursuant to 275-2. As inferred above, the proposed structure and sanitary system are located within FEMA flood zone VE elevation 13. The structural high hazard area with a 1% chance of annual flooding with wave velocity. In reality, flooding occurs on a more frequent level. The natural protective feature area as defined in Chapter 111-6 definition is a land and/or water area containing natural protective features such as a primary dune. New construction is prohibited in natural protective feature areas primary dune. Only non-major additions to existing structures are allowed on primary dunes pursuant to Chapter 111-13. Non-major additions to existing structures are allowed on primary dunes pursuant to a coastal erosion management permit and subject to permit conditions concerning location, design and potential impacts of the structure on the primary dune. The proposed residential structure is not existing or a non-major addition. The distance from the proposed action to the natural protective feature primary dune is zero feet. A minimum setback distance of 100 feet is required pursuant to Chapter 275-3.

Findings, purpose, jurisdiction, setbacks. The structure is located on the back side of the dune at 8.8 feet elevation. The highest point is 11.12 as shown on the existing conditions survey four of four. Require that the applicant amend the application to meet the above policies to the greatest extent practicable, minimizing damage or destruction to manmade property, natural protective features and other natural resources and to protect human life.

And it is consistent as far as placing rocks to augment existing grasses and brush.

We also have an LWRP consistency assessment form that they returned as of June 12th, 2018.

The Conservation Advisory Council resolved not to support this application. The Conservation Advisory Council does not support the application and recommends the requirement of an engineered study on what effects this project would have on the town resources, Kenny's Beach, immediately next door, and indemnify the Town when the dynamic of the area is changed.

The Trustees conducted a field inspection on June 13th, 2018, noting that we would like to see a copy of the DEC permit and noting that there was two different coastal erosion hazard lines on the survey.

Is there anyone here who wishes to speak regarding this application?

MR. DANOWSKI: If I might. I also have a display of pictures that my client has presented. I was wondering if there is an opportunity to present for the public to see it perhaps. I don't know if there is a tripod in the room.

TRUSTEE WILLIAMS. Sure. Sir, just start with your name for the reporter.

MR. DANOWSKI: Sure. My name is Peter S. Danowski, Jr., I'm an attorney. My office is at 616 Roanoke Avenue, Riverhead, New York. I would say that Robinson Eliodromyitis is in the front row. I just asked him that question about why his name was Robinson. I thought Jackie Robinson. he actually said Robinson Caruso. So I now learned something additional.

Also, Douglas Adams, engineer from Young & Young, is also a licensed geologist, is in attendance. He helped prepare this plan, and I asked him today to e-mail over to your office an explanation of the two Coastal Erosion Hazard Area lines of demarcations. Although I respect Mr. Terry and I've read his report, and there is never a personal comment when I critique someone writing a report, I do take issue with what he has found. It's our belief that this is a beach area, and by definition the area that we put on in addition to the mapped area is the end of the jurisdiction as far as coastal erosion hazard is concerned.

However, I will say this, that it's a very unique piece of property. And when I first met Robinson, I said, you know, you got a seawall, it's in need of repair, the DEC has jurisdiction on this seawall. Maybe you should sit down with Young & Young and go over what they might like to see to repair this wall and to further protect the area.

We note accretion in the area, not erosion, and we have a neighbor who is the only adjacent neighbor, not across the street, other than the town, with their parking lot. So we ventured out to the DEC, and Young & Young met with them, and we met with various personnel there, and we had many iterations of what the DEC wanted. The finally-approved plan as permitted by them, and we delivered a copy of the permit for you folks so you can see the various conditions. They have conditions that they want to see, things that you are typically conditioned on permits as well, things such as nesting birds, when you can do

your construction activity. They felt this was a very good improvement to what is there now. So what they asked for, we supplied in the detail, we obtained that permit, we supplied it to you folks and then we came in and filed our application.

I have clients many times that say just go file the application, you take care of it. I have other clients that say I would like to get involved. And Robinson is one of those persons that wants to get involved. He owns a meat market in Queens, famous place. He also has a home on Soundview Avenue, not far away from here. He has a family, with two young kids.

We started out by saying the obvious. And that is we hear the criticisms many times, I'm not even an opponent of the criticism, that people are building McMansions. And we started out by saying two things you should always consider when sitting down with your design professionals. One is the size of the structure and its location. So we recognize that the preference undoubtedly would be, and I'm presuming this, that you take your home as you suggested and locate it as far away from the seawall as possible and still meet the zoning setback requirements. This is the closest you can get to the road without requiring a variance as to setbacks.

So it meets the side yards, it meets the rear and forward yards. And so we propose the building. As you mentioned in reading the notice, this footprint is rather small, includes storage on the first floor and mechanicals. It must be built on poles, as you many times require. And the flood zone applicability is there. We have to do that consistent with the flood zone. Although, I appreciate remarks such as there is a 1% flooding, but we know there is more flooding. I don't know there is more flooding and I'm not sure anyone else can say that in a report and verify it. So what we are thinking here is this is not a large home. The footprint is small. When someone talks about a pool, it's less than 200-square feet. 200, not 2,000. It's a small, small location. So we have it centrally located. No one would suggest to me, SEQRA variance to slam it across our neighbor to the west. The neighbor to the west is fully supportive of this project and despite the fact that it's inconvenient for him, Dr. Fatimi and his wife, a doctor, are personally here to testify in support of this application tonight. And they are the ones that you would say are most immediate to this property. Most adjacent to it. They have been shown the plan. We handed in the letter of support and support from others in the civic association.

So we are looking to do the right thing. We understand there will be conditions. We understand standard limits to access, but we feel that this is a good plan, it's sensitive to the environment, and really there is a need to repair and extend that seawall for everyone's protection.

So with that said, Mr. Eliodromytis and I want to hand up this drawing. This came off the Trustee website. It came off the mapping that I could get on Google Earth, and I want you to

present this here. And he is aware that other permits have issued, including on vacant lots that were subject to a review process for both tidal wetlands and for coastal erosion hazard permits. I personally was involved with the Bombara project, which was a number of years back, so I'm aware of conditions and arguments about issues. But when you look at this site, which is vegetated, albeit it with poison ivy, in part, and when you look at the definition of "beach," not every project that is captured by a map is carefully and analytically done to analyze whether it's a beach or a vegetated area that ends at the beach jurisdiction. And that is our position.

I don't want to talk about this beyond a long period of time but Robinson met and he's very careful about saying that he intends to build a nice home at that location and it will be an improvement to the neighborhood, and he has the support of folks and I have heard of no one in opposition. So I would like an opportunity for the doctors to speak and say whether they support or not support the application. We can answer or field questions from either anybody on the Board or from the audience, and I'll rely on whispering to Doug Adams for answering the engineering questions:

TRUSTEE GOLDSMITH: Thank you. Is there anyone else here who wishes to speak regarding this application?

MR. FATIMI: Good afternoon, my name is Zafar Fatimi. My wife's name is Khem. We have lived at 700 Leeton Drive since 1982. There is a seawall separating us from the Long Island Sound. We have done all the years some minor repair, patch up of cracks and things like that, but we have never. The property extends to Mr. Eliodromytis' property, is partly broken, and you can see that. And I think that one of the storms that came about 15 years ago, it damaged it even more. So it requires rebuilding of that seawall. But the part of which we have, and we have close to an acre of property, for the last 36 years, there has not been any problems with that seawall. We fully support this application. We don't have any objections for that.

TRUSTEE GOLDSMITH: Thank you, sir.

TRUSTEE DOMINO: I would like to direct a question to Mr. Danowski. Can you explain or perhaps the engineer can explain why there are two coastal erosion hazard area lines shown in the plans?

MR. DANOWSKI: Yes. It's the opinion of Young & Young and the geologist and licensed engineer that the only natural feature here is the beach. That by definition the beach is set forth 100 feet from the change of physical form. That it ends at the location that we indicated the map ends. We are captured by even that map and we recognize that you may reach a decision about the coastal erosion issue and whether you have jurisdiction to move forward without rejecting the application. That will be a position that you take. Whether it's the line that we draw, which we feel is fully supported by the facts when you look at the site, or whether it's the other mapped area. In either case, a tidal wetlands permit should issue obviously consistent with

the DEC permit and with the conditions set forth therein and any other reasonable conditions. We do have public water to the site. And the sanitary system, obviously has to be reviewed by the Health Department

TRUSTEE DOMINO: Thank you.

MR. DANOWSKI: Thank you.

TRUSTEE GOLDSMITH: Anyone else here wish to speak on this application?

(Negative response).

TRUSTEE KRUPSKI: I have another question. The 100 feet between the dwelling and the seawall, would that be cleared or would that be left as is throughout the project?

MR. DANOWSKI: There is some excess material by permit that would be spread on the site that is supportive of the seawall construction. So nothing will leave it. But it's disturbed to a minimal amount.

Douglas Adams will now announce who he is and his credentials.

MR. ADAMS: Doug Adams, Young & Young, 400 Ostrander Avenue, Riverhead.

Just to speak about the two lines. We were just trying to be helpful to show the map line, obviously, and then what we believe our opinion to be the actual line. They are actually the same until you split the property and head back and come a little bit east. Based on our opinion it's a little further seaward on that half of the property.

Regarding the disturbance to the property, there is a lot on this map, as you can see, but our intent is only to disturb, if you look at the note on the left of the property, closest to the water, the project limiting fence, that is only about ten feet behind the seawall and that kind of curves around and follows along the back further toward the proposed revetment. We don't intend to place anything between that line and the other limit of disturbance which is just north of the house. So that whole area is intended to not be touched. Except for the augmentation you see of some rock and vegetation in the, sort of behind the pool area that you see.

TRUSTEE KRUPSKI: Thank you.

TRUSTEE BREDEMEYER: I don't necessarily have a question for you per se but a comment. I know there are concerns that have been expressed that there might be reflective wave energy off of the proposed reveting erosion protection structure that might impact public facilities of the town. So we have started, we have requested a review by the Town engineering department to take a look at that. And sort of in tandem with that is the fact that proposing a swimming pool within the Coastal Erosion Hazard Area is a little bit over the top compared to what this Board has ever seen, and actually even led to very critical reviews of other Town's Coastal Erosion Hazard Area permitting where they inadvertently granted permits for swimming pools in the Coastal Erosion Hazard Area. It goes to a number of questions that also

relate to the engineering review, and that is reflective wave energy concerning major events. You are in a coastal erosion area and depending on the type and construction of the swimming pool, that and acting potentially in concert with the reveting structure, could be moving massive amounts of water onto the public facility where we have already had, where we have not even had structure in relation to a public facility, we have been losing parking lot, town beach, at a rate of about ten to 12 feet on every major storm.

So these are the areas that the Board of Trustees would have to look at very seriously. Also the components of the sanitary system where this is a galley-type of a system, I think the Board would also probably also be questioning whether an innovative alternative system might actually be able to be constructed that would have a smaller footprint and may or may not have potential for having less reflected energy in the event of a serious storm event.

Now I'm one with a little bit of institutional knowledge here, so I've lived through just about every major storm since Hurricane Bob and a few others, and the newer members and Pres. Mike Domino know with more recent knowledge with about eight years on the Board, each one of these major storms is stripping away between five and seven feet of Sound front every year. This last winter storm events took and made a cut in bluffs from Southold all the way to Orient Point that looked like a bulldozer came along and cut it at a perfect right angle to heights of about four to five feet. So we understand there will be accretion in this location and we understand there is existing structure there, but viewed in larger context of what this Board has been having to deal with, there is a lot of questions here and a lot of things the Board will have to unravel.

MR. ADAMS: I can speak to the deflection issue, if you think it's helpful. A seawall or a vertical structure is actually intended to do that refract or deflect energy away from the wall, and with almost no absorption of the energy. A revetment, by design, based on its center and the fact that it's large boulders, it does a great job of actually absorbing energy. With the 45 degree return that we have shown here, you will see less refraction, as we call it, and effects along the long shore drift here than you would from a vertical structure like the seawall or bulkhead that you typically see. So the thought these days, especially by the DEC lately, is you see more rock revetments being referred to put in because they absorb that energy.

MR. DANOWSKI: I would just weigh in on the issue of Doug Adams and Young & Young's representatives are more than happy to meet with the Town Attorney's office or anyone else from this Board and go over the facts and talk about whatever ideas everyone wants to exchange. Because we are not looking to do anything other than protect our own property. That's one of the purposes of the statute is to make sure the structure lasts, and we think this actually will and this is a benefit. So we'll go over

those issues. Just invite us to a meeting, we'll be there.

TRUSTEE BREDEMEYER: Thank you. That was going to be the next question. Also, of course, this is a new Board, but the previous Boards have looked at this property in a pre-submission setting with a number of individuals and we have typically, although it's not a determination, it's guidance. The general guidance has been the Board was very reluctant to see any structure whatsoever within the Coastal Erosion Hazard Area. I'm just, it's not precedent and the Board doesn't entirely rely on the prior discussions of other Boards, but we have been out there. I don't know if you are aware of that. We have been out there.

MR. DANOWSKI: I will say this. I think everyone has a right to argue their positions. I think if you own property and pay taxes on it, you try to be reasonable about it.

You are absolutely right, in certain areas there is erosion. In certain areas there is accretion. I went through this with the Bombara application. I know what was built there, I visited some of you on the site after the fact. And he had a rather small pool, it was elevated. I think it's never been hit and damaged by a storm. And you folks were reasonable at the end of the process in whatever reasonable conditions you put there. I might have been a fan of the grass growing through pavers in the front edge of the road but someone else was not, so we took out the grass. I guess get that. And we start by saying, the vegetation you want, we'll plant. You don't want it, we won't. You want rocks, we'll put rocks. There is a give back here as to what's reasonable and I think most folks would say centrally site any residence, centrally sited on your property, move it as far back from the seawall. But many people make some conclusory comments that absolutely are not true. So when I read a report and they say, you know, I don't want to call names, I just want to say let's be reasonable. And that's what I'm looking to do. So let's see if we can get engineers to engineers talking about whatever issues you have.

TRUSTEE WILLIAMS: I have two things. In reviewing it, the plans call to reconstruct and repair the seawall. That's not in the description.

MR. DANOWSKI: That's correct. The seawall was in a state of, in need of repair. And it is being repaired. Doug can address whatever the detail is that is being done. And you can read the DEC permit that we gave you that was referenced in the application because it's the easiest way to describe the application was see DEC permit that has issued with whatever conditions they set forth. So it announces what they gave us permission to do with specific, you know, conditions, you know, the hay bales, the limit of disturbance, rock armor, whatever.

TRUSTEE WILLIAMS: Another thing I want to bring up is I just want to make you aware the Town Board recently had a similar case and they did require an IA sanitary system in the coastal erosion area.

MR. DANOWSKI: I'll take that under advisement. I know certain towns have mandated it, certain towns have not. Mr. Bredemeyer

has some excellent historical knowledge from prior employment. I get that. And I say to clients, it's more harsh when you are talking to someone with an existing system, but with a new project, I'll give advice to my clients. I don't see that as necessarily end all here. We just have to understand whether it can fit in the area, if it's a benefit to everybody. I'll make my recommendations to the client. That's not -- I'm not opposed to spending my client's money. But I will say this, he delivers me meat, and that's a form of payment here.

TRUSTEE DOMINO: I'll suggest to Trustee Goldsmith that we might consider tabling this to review the communication from Mr. Adams that we received 2:30 this afternoon and also to allow the Town Engineer to complete his report to us as requested.

TRUSTEE GOLDSMITH: Is there anybody else who wishes to speak regarding this application?

(Negative response).

So as Pres. Domino stated, in light of the recent information we have gotten with the e-mail at 2:30 today, with issues that were brought up during the worksession as well as your request to meet engineer to engineer with the Town engineers to discuss the possible effects on the town property as well to potentially discuss an IA system, I'll make a motion to table this hearing.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Thank you.

MR. DANOWSKI: Thank you, have a good night. Thank you, for allowing me the opportunity to speak and allowing the neighbors to come here. They made the trip especially for that. Thank you.

WETLAND PERMITS:

TRUSTEE DOMINO: The next application under Wetland Permits, number one, Jeffrey Patanjo on behalf of **EAST WIND SHORES CONDOMINIUM OWNERS ASSOCIATION** requests a Wetland Permit to remove and replace 150 linear feet of existing deteriorated timber retaining wall with new vinyl retaining wall in same location as existing. Located: 52920 County Road 48, Southold. SCTM# 1000-51-5-4

The Trustees did a field inspection on June 13th, noted the application is a straightforward application and was in fact almost non-jurisdictional.

The Conservation Advisory Council resolved to support this application.

The LWRP coordinator found that this action is consistent with policy standards and is therefore consistent with the LWRP.

Is there anyone here to speak to this application?

MR. PATANJO: Jeff Patanjo, on behalf of the applicant, to answer any questions you may have.

TRUSTEE DOMINO: Any questions or comments from the Board? (Negative response).

Anyone else here to speak to this application?

(Negative response).

Hearing no further comments, I'll make a motion to close this hearing.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I make a motion to approve this application as submitted.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application, number two, under Wetland Permits, page eleven, Jeffrey Patanjo on behalf of **ANN T. KROM** requests a Wetland Permit to remove existing cement bulkhead and replace with 97 linear feet of new vinyl bulkhead in-place with one 35 linear foot bulkhead return and one 6 linear foot bulkhead return; raise existing height to 42" above existing top cap elevation to match neighboring bulkhead to west; install 225 cubic yards of clean sand fill from upland sources behind bulkhead to replenish sand lost during storms; install 4' wide by 10' long platform and stairs to beach supported with 3-10" diameter CCA piles; install and perpetually maintain a 10' wide non-turf buffer along the landward edge of the bulkhead. Located: 1296 Great Peconic Bay Boulevard, Laurel. SCTM# 1000-145-2-19

TRUSTEE KRUPSKI: Just for record, I'm recusing myself from this application.

(Trustee Krupski, recused).

TRUSTEE BREDEMEYER: The Conservation Advisory Council has voted to support this application.

The project has been deemed to be inconsistent under the LWRP, largely because of concerns about access to the foreshore and a vegetative buffer comprised of non-native salt-tolerant plants should have been required landward of the bulkhead. Actually I believe that item is covered in the project description that we have in front of us.

Is there anyone here that wishes to speak to this application?

MR. PATANJO: Jeff Patanjo, on behalf of the applicant. This was submitted also to the New York State Department of State, Army Corps of Engineers and the New York State DEC. I have pushback from two of them with it going back in the same location as it is here. So I wanted to get your feedback today before I make a revised plan submission.

TRUSTEE BREDEMEYER: That's pretty straightforward.

The field notes, which I'm in possession of, the entire Board looked at the project and has reviewed it and we are familiar with it having been to the site, and we reviewed it again on June 13th at our work session as well as our work session this last Monday night.

Because of the difficulties of attaching it to neighboring properties where there is existing bulkheads, the Trustees felt this was fairly straightforward and we were not negative to

retreating in this location. But we were thinking we would actually like to see some armoring of the toe of the bluff to reduce reflective wave energy. I don't know if we --

MR. PATANJO: For further discussion, I'm doing the three properties to the east and then another vinyl bulkhead that sticks out far. So I'm going to be doing all those. They are choosing to do an armored rip rap wall. Which is what I'm going to propose for this as well.

TRUSTEE BREDEMEYER: This is in line with the discussion that Pres. Domino brought forward with high energy areas of Long Island Sound where we recently have seen the difference over one winter and the wave fetch of course in that location. It can't get much more over to Noyac, or Hampton Bays.

Accordingly, it might be wise if you would like us, the Board to table this matter to include discussions, particularly if you are going to be looking at multiple properties connected with each other, that your information from Army Corps and DEC, may be a limited amount of retreat and allowing for armoring. Because I know they would typically be negative on armoring that would further reduce access along the foreshore but maybe there would be a combination that would keep project costs low and keep environmental concerns, keep all involved agencies happy.

MR. PATANJO: Yes. I'm sure you know already, but the Department of State now is reviewing every project individually because the Army Corps sent out the nationwide permit requirements, they rejected nationwide permit number three. So now New York State Department of State now reviews every single bulkhead installation. So it's a bit more work for us.

TRUSTEE BREDEMEYER: That may seem to be in keep with what we just received, as a point of information, we received a communication from DEC requesting specific information on LWRP coordination for a reveting structure Long Island Sound, which is a brand new communication, the office received, that the chairman received and other members, we really have not had a chance to discuss it. It's coming up at the end of this month. So it's your request to table this?

MR. PATANJO: Yes.

TRUSTEE BREDEMEYER: While the hearing is open, are there any additional questions of the Board?

(Negative response).

Is there anyone else here that wishes to speak to this application?

(Negative response).

Hearing none, and accordingly, with the request of the applicant to table, I'll move to table this application.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: Motion made and seconded. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: That would be an indefinite table to you, we'll request the clerk to open it up because we don't know how long it's going to take? Or do you want to put it on for next month? I didn't specify time but I'm sure you'll request --

MR. PATANJO: I would like it on for next month because I'll have the other applications in for next month. So we can do them all at once. We'll get approvals all in a row.

TRUSTEE WILLIAMS: Very optimistic of you.

TRUSTEE GOLDSMITH: Number three, Donald Wilson on behalf of **DOMELUCA, LLC** requests a Wetland Permit for bluff vegetation restoration along the irregularly shaped sections of the bluff and property, specifically the 113'x68' (7,294sq.ft.) eastern area, a 65'x75' (6,372sq.ft.) area closest to the pool, and a 41'x190' (4,741sq.ft.) area closest to the water where existing privet (*Lingustrum vulgare*) is to be removed and re-vegetated using native plant species such as Northern Bayberry, Beach Plum, Groundsel Bush, Switchgrass, Little Bluestem Grass, Sweetfern, and Shadbush; and the existing intact Eastern Red Cedars will be retained.

Located: 14909 Route 25, East Marion. SCTM# 1000-23-1-2.8

This is actually a carryover from last month when it was tabled.

The LWRP found it to be inconsistent.

The Conservation Advisory Council resolved to support the application.

We received a response to the LWRP report dated May 30th, 2018, from Jim Walker, principal planner.

The Trustees conducted a field inspection on May 9th as well as reviewing the resubmitted answer to the LWRP inhouse.

Is there anyone here who wishes to speak regarding this application?

MR. WALKER: Don Wilson is here. I'm Jim Walker from InterScience on behalf of Domeluca LLC, Domeluca II, LLC and Treasure Island Cove, LLC. I assume you want them all at once. We got the LWRP notes at the last public hearing and I provided a response. It's important the Board of Town Trustees understand that this was a phase project from the beginning. They were called out on the plans but I'm going to point them out briefly to show you.

Priority one is here. And priority two is here. And priority three is here. Priority four is here. There is also the common reeds, which the LWRP support.

The concept that we gave back to the Board of Town Trustees addresses LWRP concerns by calling out for implementation of the project, the first phase we had planned to start late spring of 2018. So we have one more day, I guess, to do that one. But the idea is we are going to do them in spring and fall, and it's four phases, so it's a two-year project. And we advised the Board of Town Trustees that the third year, typically, the New York State DEC permit will allow three years, and the third year we'll do the common reed project that we called out for and which the LWRP supports.

LWRP also had concerns with sedimentation. It's important to note that we are at New York State DEC, that we have not received a permit yet but this type of a project, the type of

sediment barrier that we typically recommend is more in line of project limiting fence, which is a snow fence on metal stakes, with 36-inch landscape fabric stapled 18-inches up. The other 18 inches lays on the ground, put straw bales on top. And you run this thing around the whole job.

The reason why you do that is it's bigger, it's more, you can work with it. If a straw bale fails you replace it. If silt overtops any part of it, you simply fix the fence. It's not the black fence with the wire backing. I think that is important to note. That is what we would expect from the DEC in any case.

In terms of more long-term erosion, we are taking out privet, we are planting native plants. The native plants have to be mulched. There is no fertilization, they are pocket planted. They receive amendments at the time which are limited to bone meal and dehydrated cow manure. That's how you get native plant to grow without fertilizing them. They have to be irrigated for the first season until they grow in. So you'll see temporary irrigation but no long-term irrigation. And one thing that I thought the Town would concentrate on, which I have not heard too much discussion on is how do you remove privet. Removing privet from a place like this where it's a pure stand of privet, where it obviously was planted, runs from the ground to bush to the top of the bluff. In most instances it's very narrow, it's only ten or 20 feet. You take a chain, you wrap it around a draw bar on a tractor, hook it to itself, wrap the chain around the privet and pull it uphill. Why you do that is to not lose the soil. You don't want to lose the soil. Just like a farm field that's overgrown with black locust. You want to pull the plant material and you want to leave soil. It's important to leave the soils so that the native plants that we are going to plant back will survive.

I think that is the bulk of the response that we made to LWRP. We would be willing to accept a wetland permits from the Town, which we would expect to be coincidental the New York State DEC that runs three years and has a phase program. Any questions?

TRUSTEE GOLDSMITH: Is there anyone else here who wishes to speak regarding this application?

TRUSTEE KRUPSKI: What's the reasoning, you have the four zones. What makes number one the main priority?

MR. WALKER: I haven't the vaguest idea. We started with that about a year ago. I don't really recall. It was generally kind of a large project so we thought it would be important to make priorities. The priorities were given to us by the two landscape architects, the guy from Whitmore is Stuart Cook and the guy from Bouche-Schere Landscape Architecture is Jeff Palitieri. They devised priorities to break the project down into phases. It makes it easier to implement. And the only thing that I know that is important is at some point that barn has to come down because it's falling down.

TRUSTEE KRUPSKI: In zone number four, right?

MR. WALKER: Yes. That would have to be part of the wetlands permit. That is two sheds and a barn. They are in poor shape. They are very close to the water. If I lived there, I would probably propose to keep them. In any case, those structures are in poor shape and they probably need to be removed. That's about it.

TRUSTEE GOLDSMITH: Any other questions or comments from the Board?

TRUSTEE BREDEMEYER: No. I think we all reviewed the return document and it made a lot of sense. I've actually used a drawbar on a tractor to pull stuff, so I kind of get it.

MR. WALKER: It's not that hard, right. Wrap the chain twice around the bush and pull.

TRUSTEE KRUPSKI: Just a thought amongst the Board is that with it being four zones, perhaps the Board should be contacted before beginning each prior zone so we can sort of meet and look at the work that has already commenced and just make sure there are no issues throughout the process.

MR. WALKER: I think that's fine.

MR. WILSON: We have no problem with that. It's the intent of the client to comply. He wants to restore it, so, and we invite oversight. So if there is anything that would be detrimental to what we are doing, so we are very acceptable to the idea.

TRUSTEE WILLIAMS: I just want to convey one thought. The project of this magnitude being so close to the pond, our concern is that it doesn't go according to plan and there is a big bulldozer in there doing a bunch of work. So we are just hoping that doesn't happen.

MR. WILSON: Absolutely not the intent. The client is very sensitive to wanting to integrate into the neighborhood and made that clear, repeatedly. And I'll be supervising the project directly myself. I do work here so the last thing I want to do is contradict the Board and make any future projects for myself more difficult.

TRUSTEE WILLIAMS: Sure. And just be aware with open permit that we can inspect at our desire.

MR. WILSON: I used to be a building inspector for the Town of Southold so I'm aware of how the issuance of building permits work.

TRUSTEE BREDEMEYER: If you have multiple contractors, they all will need the coastal contractor licensing provision now that's newly adopted by Town Board so you'll want to inform them there needs to be a contracting license.

MR. WILSON: We are acting as GC. Whitmore is the primary subcontractor. We'll make sure they have their license prior to the work.

TRUSTEE DOMINO: I'm concerned. I read the report. Your documentation is 51,607 square feet of disturbance, which comes out to be by my calculation just shy of 1.2 acres of disturbance. I can't remember in my time on the Board a project that approaches this one in scope. So I was hoping we could segment it but I understand that it's, the properties are separate. There can't be linkages there. So I'm hesitant to vote yes on it.

MR. WALKER: Before you decide what to do, an acre of that is common reed management. The rest of it is not that big of a deal. Ten and 20-foot wide sections of privet. It's pure stand of privet. The guy obviously planted it, the guy that had the property prior. The wetlands in front of it are doing great. The top of the bluff is, there is a different type of area. The privet is limited to that bluff. We have --

TRUSTEE DOMINO: That's my point. This pond is doing wonderfully. And it may be privet, but it seems to be doing the job, so. Whether or not it's going to be an improvement, you said it several times that it will be. But that's an inference. We won't know that until we are down the road. That may be too late. So, I don't want to get in a back and forth with you.

MR. WILSON: A thought. Would segmenting that privet removal a little further so to manage it as we go to make sure it's not a possibility of the damage you are concerned about?

TRUSTEE DOMINO: I think I would be open to that. I can't speak for the rest of the Board. But how would we accomplish that?

MR. WILSON: We are talking about this area where the privet is, so if we would look to possibly dividing that in half and make it a five zone, so that we can take this, or even more segments, so we can see how the process is proceeding, to your satisfaction, we are not getting erosion, we're not doing any damage to the pond, so that way we don't bite off more than we can correct if we do have a problem.

TRUSTEE BREDEMEYER: That's the area with the steepest slopes, so that would be the area that probably be the most prone, if we were having difficulties we would have to stop or revisit. So that would be the area, splitting it would make it logical.

MR. WILSON: You're the expert. My thought process is do you want to split it this way so we can take the prior to the most deepest portion of the slope first, and give it a chance to settle, then move it into the next portion?

TRUSTEE GOLDSMITH: Okay. Is there anyone else here who wishes to speak regarding this application?
(Negative response).

Are there any questions or comments from the Board?
(Negative response).

Hearing none, I make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?
(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application based on the design narratives submitted in February, 2018, from Inter-Science as well as their response on May 30th, 2018, noting that the project will be conducted in phases with supplemental plans to be submitted to the Board upon completion of each phase, and that the silt fences be installed to prevent any runoff into Dam Pond and surrounding wetlands. And we would also like to condition, once the area is restored to native vegetation that it be conditioned as a non-disturbance area

where invasives can be removed only, which would bring it into consistency with the LWRP coordinator. That's my motion.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MR. HAGAN: For the sake of the record, that was on number three or was that combined on three, four and five?

TRUSTEE WILLIAMS: Do we have the option of combining them at this point?

MR. HAGAN: I would prefer that you read them off individually.

TRUSTEE GOLDSMITH: That would be on number three. That's closed. I'll confirm that for the record.

TRUSTEE WILLIAMS: Just so you know, gentlemen, this has to be treated as three separate and distinct lots and three separate and distinct applications. You are welcome to stay for the next two, but there is no need to do the other presentations. But we do have to treat each application separately.

MR. WALKER: You can just go ahead. We are going home. Thank you.

TRUSTEE WILLIAMS: Fair enough.

TRUSTEE KRUPSKI: Number four, Donald Wilson on behalf of **TREASURE ISLAND COVE, LLC** requests a Wetland Permit for bluff vegetation restoration consisting of removing Privet (*Ligustrum vulgare*) within the approximately 127 linear foot long by 115 linear foot wide (overall size is 14,947 sq .ft.) area; and where vegetation is removed various plant species will be planted including Northern Bayberry, Beach Plum, Groundsel Bush, Switchgrass, Little Bluestem Grass, and Sweetfern. Located: 14911 Route 25, East Marion. SCTM# 1000-23-1-2.9

As said before on the prior application, the Trustees visited the site last month on the 9th. All Trustees were present. We received a very similar LWRP report on this application.

The LWRP coordinator also found this particular property to be inconsistent. For the same reasons.

The Conservation Advisory Council resolved to support this portion of the application.

Is there anyone here that wishes to speak regarding this application? (Negative response).

Any additional comment from the Board of Trustees?

TRUSTEE BREDEMEYER: Other than noting that the description of this area was brought forth in the prior public hearing.

TRUSTEE KRUPSKI: Right. This application is just another part of three different tax map properties, with the exact same description and design narrative.

Okay, that being said, I make a motion to close this hearing.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application with the following stipulations: One of the stipulations of new

plans to be submitted showing the fifth zone, and that the GC on the project meets with area Trustee or another available Trustee prior to moving to the next zone, throughout construction. That a silt fence and hay bale line be used throughout the entire process; that a bulldozer not be used to regrade the area; that a non-disturbance area be used in front of the silt fence/hay bale line, also the line of clearing, which would thereby bring this project into consistency with the LWRP coordinator.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: Number five, Donald Wilson on behalf of **DOMELUCA II, LLC** requests a Wetland Permit for bluff restoration along the irregularly shaped sections of the 36'x94' (2,837sq.ft.) northern area, and 326'x95' (48,770sq.ft.) shoreline area consisting of removing Privet (*Ligustrum vulgare*); and within the areas where vegetation is removed various plant species will be planted including Swamp Red Maple, Scarlet Oak, Eastern Red Cedar, Northern Arrowwood, Northern Bayberry, Beach Plum, Inkberry, Groundsel Bush, Switchgrass, Little Bluestem Grass, Sweetfern and Shadbush; and the existing intact Eastern Red Cedars will be retained. Located: 14895 Route 25, East Marion. SCTM# 1000-23-1-2.10

Being aware this is the third property of the application of the prior two, a continuance of the prior two applications.

The LWRP found this to be inconsistent. Same inconsistencies as the prior two.

The Conservation Advisory Council voted to support this application.

The Trustees did visit this property on May 9th of 2018. All Trustees were present. Field notes were to save cedars and cherries in the area of work.

Is there anyone here that wishes to speak to this application? (Negative response).

Seeing nobody is here to speak to it, I make a motion to close the hearing this application.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: I make a motion to approve the application with the same stipulations for the prior two applications, and with those stipulations and by approving this application will bring it into consistency with the LWRP. That is my motion.

MR. HAGAN: For the sake of the record, can you reiterate the stipulations, please.

TRUSTEE WILLIAMS: We can reiterate the stipulations. Stipulations is work is not to be done by a bulldozer; that a fifth zone be added, with new plans, supplemental plans; in addition, that the area Trustee or available Trustee be called when at the completion of each zone before commencing work on the next zone; and non-disturbance area seaward of the work be

left undisturbed and be protected by the described fencing with the silt fence and the hay bales. That is my motion.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number six, **CYNTHIA ANN SPREEMAN** requests a Wetland Permit to replace and/or expose buried concrete blocks and pad that are the existing retaining wall installed 20' to the left of the existing shed and 10' to the right of the shed; for the existing 7'x5' concrete block shed situated under a deck; install $\frac{3}{4}$ " pea gravel stone throughout the property to be installed no further seaward than the existing buried concrete retaining wall; re-attached existing 8'x4' detached wood platform to existing 4'x20' ramp along back edge decking, and reattach 20'x4' hand rail to left side of ramp; repair existing 70' long fencing from the outdoor brick oven along west property line to end at rear decking and reinforce with additional deer fence as well as underneath decking and connect to wood fence on eastern property line (42' underneath decking from existing from existing fences); add 4' high new wood and deer fencing (50') with gate from west to east property lines attaching to existing fences; remove all decay, loose debris, and dead tree stumps from approximately 50'x30' beachfront area; trim 50'x8' area of brush (forsythia, wisteria, and raspberry bramble) between house and fence on east side of property, then place $\frac{3}{4}$ " pea gravel alongside to prevent erosion and stop termites; add $\frac{3}{4}$ " pea gravel non-vegetative border around perimeter of house and under deck to end at line of existing concrete patio on beachfront, on east side of house in a 60'x8' area, on west side of house in a 46'x4' area, on front of house in a 26'x17' area, and in the rear in a 35'x17' area including under the decking; and to repair or replace existing post and pulley system for a boat not to exceed 18 feet in length. Located: 465 Private Road #3, Southold. SCTM# 1000-70-6-16

The Trustees did a field inspection on June 13th, and the notes as per plans received April 20th, 2018, retaining wall can be built up to four feet in height; reattach a catwalk, three foot by eight foot; deer fence to end off the deck; and item six on the plans, remove brush along the eastern side of the property is not applicable.

The LWRP coordinator found this to be consistent and inconsistent. The reading from the report, it's my recommendation that the actions to install three-quarter inch pea gravel stone throughout the property to be installed no further seaward than the existing buried concrete retaining wall, and add four-foot high, new wood and deer fencing, 50 feet, with the gate from west to east property lines, attaching to existing fences; remove all decay, loose debris and dead stumps from approximately 50'x30' beachfront area; trim 50'x8' area of brush, Wisteria and raspberry bramble between the house

and fence on the east side of the property. And then place three-quarter inch pea gravel along the side to prevent erosion and stop termites, and three-quarter inch pea gravel non-vegetated border around the perimeter of the house and under the deck to the end of the line of existing concrete patio on the beach front on the east side of the house; a 60'x8' area on the west side of the house, and a 46'x4' area on the front -- excuse me. On the west side of the house would be a 46'x4' area; on the front of the house, a 26'x17' area; and in the rear, a 35'x17' area including under the decking are consistent with policy standards. They are consistent with the LWRP.

In addition, according to Town records, the as-built structures proposed to be repaired or construction without obtaining a Trustee review or regulatory permit, and plans to remove all decay, loose debris and dead stumps from approximately 50x30' foot beachfront area are insufficient to determine as proposed and therefore are inconsistent.

The Conservation Advisory Council resolved to support this application.

Is there anyone here to speak to this application?

MS. SPREEMAN: I'm Cynthia Ann Spreeman and I apologize for the length of it, but I'm not a professional, so I might have made it a little lengthy trying to explain what I was going to do.

Which is basically a clean up of an estate property that had been abandoned for a while. And I really don't want to disturb any of the existing vegetation that protects my property from floating away. I understand the pea gravel will give it some drainage without erosion, so that would be the idea of pea gravel.

TRUSTEE DOMINO: We have a little bit of housekeeping here first. We need to see the affidavit of posting for the neighbors.

MS. SPREEMAN: I turned that in.

MS. CANTRELL: It's not in the file. You gave us the proof of mailing.

MS. SPREEMAN: The little green slips did not come back in the mail.

MS. CANTRELL: It's a form that documents you posted the property with the green card.

MS. SPREEMAN: That's on the front of the house.

MS. CANTRELL: But there was a form that you filled out to show that you had that card in front of the house for not less than seven days. It was in the envelope with the rest of it.

MS. SPREEMAN: I thought I turned it in. I might still have it in the bag. I have a picture of it posted on the tree and the date and the time I posted it. Will that --

MR. HAGAN: The form needs to be submitted in with the application. And on that form you are going to see that it has you affirm and you swear that you put up the sign that you are referencing with the photo. But you have to put the form in with the application.

MS. SPREEMAN: Was that the one I had signed by the city clerk's office?

MS. CANTRELL: You had two forms notarized. One was to show mailing to the neighbors. One was to state that you had the

green card sign out for at least seven days. So somewhere you have a second form that you did not yet submit to the office.

You went on vacation --

MS. SPREEMAN: Yes, I had to fly out --

MS. CANTRELL: So you could not give that to us until you got back.

MS. SPREEMAN: Okay. I thought I had the lady that sits on that side, but I might have just given her the one.

MS. CANTRELL: You gave her the one.

MS. SPREEMAN: So how do I fix that?

MR. HAGAN: The form needs to be submitted.

MS. SPREEMAN: Okay. I can get that tomorrow morning.

MR. HAGAN: Are you stating that you have had the sign up --

MS. SPREEMAN: I've had the sign up since I picked it up before --like I said, I took a picture of the sign on the tree and it's dated and timed.

MR. HAGAN: Any action by the Board would have to be subject to the production of the form. Clearly she spent three minutes here testifying the sign has been up and we are talking about follow-up paperwork.

MS. SPREEMAN: I'm sorry.

MS. CANTRELL: So bring it in tomorrow.

MS. SPREEMAN: Okay. Do you want me to make a copy of the picture with the time, date and stamp and attach it to that form, too?

MR. HAGAN: That would be appreciated.

TRUSTEE DOMINO: A second item needs to be addressed. For the purposes of the Town, when you state a deer fence, a deer fence is generally perceived to be six-foot high. And that is creating a little problem here, so. You are asking for a four-foot high fence.

MS. SPREEMAN: Well, it's deer fence material.

TRUSTEE DOMINO: I suggest you don't say the word "deer" fence. So would you affirm now the fence is only going to be four-foot high?

MS. SPREEMAN: Only four-foot high.

TRUSTEE DOMINO: And the location is as described.

Are there any other questions or comments from the Board?

TRUSTEE KRUPSKI: Just that any work done seaward of the home I would like to see it done by hand and wheelbarrow. Obviously, no --

MS. SPREEMAN: No, I talked to somebody about helping me pull it up to the wood chipper instead of doing it down there. After you guys told me I couldn't do it down there, I have help.

TRUSTEE KRUPSKI: Thank you.

TRUSTEE DOMINO: Okay, is there anyone else who wish to speak to this application?

MS. MOORE: Good evening. Patricia Moore, on behalf of the Volker family. Just to start with, they're easterly neighbors. They support your efforts to clean. So my comments are not to be considered opposing the cleanup, but there are certain things we want to make sure of that are done properly. And we have some comments because the first question we had, the description described cinder blocks being extended to the east and the west of that cinder block storage building. Unfortunately, the description here was very difficult to follow. The plans were

with photographs and description but not a typically-drawn plan that would describe it clearly. So there may be no issues with it but we just need clarification. So I'll ask the questions and if the Board wants clarification, I can provide it, and maybe that will suffice. My client is here.

So the first question we had was, the expanding of the cinder blocks, are they being raised, is it creating a new foundation? We just didn't understand the purpose of cinder block extensions. So that's issue one.

The second issue, I think I join with the LWRP because he had the same reaction as I did, which was she wants to put sand and gravel, but where. It wasn't clear exactly where all this additional sand and gravel is going to go in. I did understand she is replacing all her potential turf area with pea stone, but then she is bringing sand, and we didn't understand where that sand was going, if she is trying to create a new beach area or on the seaward side of the house, sand is coming in. Again, it was unclear. So we may be misinterpreting the description.

The third question or third issue, she is talking about removing stumps. My client's concern is if the stumps are just being graded down, that's one thing. The root system will stay in place and therefore you are not going to have the erosive effect of digging out stumps. Depending on where these stumps are. And again, we are not sure exactly. We can't go on her property and figure out where the stumps are. The removal of the stumps I would hope the Board is taking that into mind that we don't end up with erosion there with that removal. Again, without knowing where the stumps are, if it's on the landward side of the house, I'm assuming there is no issue. On the seaward side of the house, depending on its proximity to the water, that can end up having an erosive effect.

She clarified the fence is a four-foot fence. That's fine. But with the issue of the fence, my client's fence, because of the neighbor at the time before she purchased, my client put their fence a few feet off the property line. If she connects her fence to our fence that will result in a title problem because she will be enclosing the land that is between my client's fence and the property line. So she can't connect to our fence unless there is a written agreement, a boundary line agreement, that establishes that the distance of property between my client's fence and the property line are not being taken or adversely possessed or whatever, taken by this property owner. Damon understands exactly what I'm talking about. It's a technical issue, but we don't want to have an enclosure.

TRUSTEE WILLIAMS: Just keep in mind that's not a Trustee issue, that's more their --

MS. MOORE: No, it's a Trustee issue because she is asking to connect the fence that is under your jurisdiction to our fence. You can extend the fence, you can't allow her to connect it to us. If she wants to connect it to us, we really have no issue with that. It's not bothering us. But it does need a document

to assure that we don't have a title problem. And we can work that out.

MS. SPREEMAN: I'm not connecting to your fence.

MS. MOORE: You're not connecting to our fence. Okay, that's fine.

TRUSTEE KRUPSKI: You just have to speak to the Board.

MS. MOORE: So that's fine. If it goes to the property line, then there is no issue, because we have a difference between the property line and our client's fence. That's not the way it was described. So if she could clear that up.

Then the final issue is with respect to the ramp, pull and pulley. We went back, my clients have owned the last ten years next door, and we show any marine structures that are within a certain proximity by the surveyor. There is no evidence other than very dilapidated portions that show up on the pictures. Generally, you ask my clients to prepare a plan of a ramp, a pull and pulley, because that is, her property is only 50 feet in width. The location of it is important because it has to be maintained a certain distance from the property line. My client's dock is on the one side, but on the opposite side, the other neighbor to the west is pretty close to her property line. So I think it's important that we have a plan that shows proper distance. And whatever the requirements are for a ramp and a pulley and a pull, as part of a drawn plan. I mean she doesn't have to go to a surveyor. She can go to somebody else. We are not dictating who she goes to. But generally it is a more professionally drawn plan that shows the required information of a marine structure. That's it. That's all we have. Thank you.

TRUSTEE GOLDSMITH: Yes, ma'am.

MS. SPREEMAN: I would like to know who that was that was speaking. I didn't hear her name.

MS. MOORE: I apologize.

MS. SPREEMAN: As far as the post and pulley system goes, I think that's a separate issue because I noticed in the Minutes there is post and pulley permitting coming down in the next three or four people. So I'm assuming I would have to add myself and do this again for the post and pulley, which was existing. And it was many, many years ago. The area is 50 feet wide, so it really is too crowded to put, it would ruin the visual effect to have another dock, another, I mean, I spoke of that. I had somebody tell me I should go and apply for a dock. And I don't want a dock because then it would ruin the view. I just want to re-erect a post, and it's closer to the Milnik's property on the east side -- the west side they are. The west side of their property. There was an existing ramp that went down with the post and pulley which I was wanting to put it back in place and re-erect it. But I think it's a separate permit, I think, isn't it? I mean I put it in my request, but I think it's separate.

TRUSTEE KRUPSKI: Not necessarily.

MS. SPREEMAN: Okay. I just thought it was because I noticed it was -- I'm far from that, guys. I have to get it cleaned up. And

I have to get the area, it's probably not until next year, although I have a boat that is parked in my driveway now. I'm aware that would take a while. So for those two issues. And connecting to a fence, it was underneath the deck, as I showed you guys. My deck is not connected to their property.

MS. MOORE: Sorry. My name is Patricia Moore, on behalf of -- I thought I said that.

TRUSTEE WILLIAMS: Her name is Pat Moore. She said that. She is here on behalf of your neighbor, Ms. Volker.

MS. SPREEMAN: Eva Volker. Okay, I got you.

TRUSTEE KRUPSKI: Just to confirm another one of Pat's statements. And sometimes things can save a lot of people a lot of time if you just go talk to your neighbor. But the cinder block extensions, that's just the wall underneath your deck, correct?

MS. SPREEMAN: That's the existing cinder block wall that's buried, that I showed you guys. She has not been on my property.

TRUSTEE KRUPSKI: Right. I know. I'm just looking to confirm that for the sake of her client.

MS. MOORE: Thank you. So that's just the portion --

TRUSTEE KRUPSKI: It's a portion underneath the deck. And would not go further seaward than the cement block building?

MS. SPREEMAN: It would not go past the deck on either side.

TRUSTEE KRUPSKI: And also the stumps, you are referring to the two dead stumps that are uprooted.

MS. SPREEMAN: The two dead stumps that we already looked at.

TRUSTEE KRUPSKI: They are up rooted.

MS. SPREEMAN: Yes. They are uprooted and sitting up and decaying.

TRUSTEE BREDEMEYER: The several stumps that are at the side and toward the front, they, could they just be cut flush with the ground so that --

MS. SPREEMAN: Sure. I mean, they don't have to be dug up.

They're uprooting naturally but.

TRUSTEE BREDEMEYER: There were a couple that were oddly pruned.

TRUSTEE KRUPSKI: No, she wants to keep those.

MS. SPREEMAN: The ones that I cut that are three feet high have already grown. The cherry tree branches back up.

TRUSTEE BREDEMEYER: So there is no new plans for the removal of those that have the odd growth or anything, but if you were to remove them, they didn't have happy summer you would cut them flush as opposed to grubbing. We don't want to have them grubbed.

MS. SPREEMAN: Right. I mean, if they are sticking up and the root part is already pulling up that's what I had shown I wanted to remove. If it has the sand equal to where the stump is sticking, then that stump, all those are three feet high, and it may come back. Which would save my property.

TRUSTEE BREDEMEYER: The Board doesn't want to have a small caterpillar or skid steer down there pulling stumps out. We would like it flush cut, just to protect yourself.

MS. SPREEMAN: Okay. Thank you.

TRUSTEE DOMINO: I believe we've clarified the location of the proposed concrete block retaining wall, which is designed to stabilize the bluff.

MS. MOORE: Yes, thank you.

TRUSTEE DOMINO: All right. Anyone else wish to speak to this application?

TRUSTEE KRUPSKI: Just for one other point of clarification, the ramp in question is just a small wooden section at the bottom of her walkway, not anywhere near the water. So it's not for a boat.

TRUSTEE BREDEMEYER: It's a small remnant piece of what was essentially like a catwalk.

TRUSTEE DOMINO: Approximately 3'x7'.

TRUSTEE GOLDSMITH: For the access point down to the water from her steps.

TRUSTEE BREDEMEYER: It was above mean high water. It was a small ramp that got her safely off the back walkway.

MS. MOORE: It doesn't go mean high water.

TRUSTEE KRUPSKI: It's not even close. It goes to no water.

TRUSTEE DOMINO: State your name, please.

MR. MILNIK: Mark Milnik, 405 Private Road Three. I'm the owner, my wife and I -- she is here also -- the owner of the property immediately to the west of Ann. I just want to say we don't have any issue with any of her proposed work that is landward of that concrete divider that is there. And just, we want to ensure that the Board continues to make sure that there is mitigation of any potential erosion problems on the seagrass that is there, the existing grasslands, to make sure that that doesn't get torn up. As well as clarify the removal of the removal of the debris that is in that grassland, that is, you know, I believe that's her intent to remove all that debris that is there. So I don't know if you spoke specifically about that as well.

TRUSTEE WILLIAMS: That was spoken about in the field. She just wants to clean up the dead material there and that will allow that grass area to naturally revegetate.

MR. MILNIK: Right. Because right now there's all the dead material there just killing it. It's not growing. It's growing on other property but not right there. So we do want to make sure that's getting taken away.

TRUSTEE BREDEMEYER: It's foremost in our minds as the most important part of this project.

TRUSTEE DOMINO: And the LWRP coordinator's mind. Not to read his mind. Anyone else to speak to this?

MS. MOORE: Sorry, where is the sand going?

TRUSTEE DOMINO: There is no sand in the project description. I see pea gravel.

TRUSTEE BREDEMEYER: Unless we missed it. We are aware of the pea gravel. Because the Board during field inspection discussed it at length.

MS. MOORE: Here. Remove decay and lay sand and three-quarter inch pea gravel to prevent runoff and erosion. Number two. It's on the description that she uses for one of the pictures.

MR. HAGAN: It's in the application someplace and it's not in the description?

TRUSTEE BREDEMEYER: It's in her running narrative. It's in the application.

MS. MOORE: We were just trying to figure out what is going on. We just followed the narrative and the pictures.

TRUSTEE KRUPSKI: For the record, can you clarify where you would like to put the sand?

MS. SPREEMAN: I'm not putting any sand anywhere. There is sand underneath the deck so I think in my narrative I was saying I was laying the pea gravel on top of the existing sand that is underneath my deck. Because there is no vegetation that really grows underneath the deck. And other than haul away that sand, I was going to put the pea gravel on it. Then the cinder blocks are two blocks and a little bit buried under the dirt. I was bringing them two blocks higher to hold back the sand and the pea gravel that I put under there. So that was me, an amateur, not --

TRUSTEE DOMINO: If I could attempt to clarify that. In submitting the application, Ms. Spreeman gave a detailed narrative of eight steps, which were, and nowhere in those eight steps does it mention sand. The description, the project description as you read, developed from that and did not mean to imply there would be sand brought in in any of the steps.

Is that a fair description? Okay?

MS. SPREEMAN: I'm sorry, I'm an amateur. I'm sorry.

MS. MOORE: She clarified it. It does say lay sand.

TRUSTEE KRUPSKI: I think she meant lay on sand, for the record.

MS. MOORE: That's fine. Now we understand.

MR. MILNIK: I have one other thing I forgot to mention, relating to the clarification of the posting. I know she still needed to get you the form, but I'm next door and she did have that posted timely. Thank you.

TRUSTEE DOMINO: Thank you. Hearing no further comments there are any questions from the Board?

(Negative response).

I make a motion to close this hearing.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I'll make a motion to approve this application as written with the following stipulations: A, subject to production of the affidavit of posting. B, that any work done seaward of the house be done by hand and with wheelbarrows. No machinery. C, that the fence be limited to four-foot height. D, four-foot high fence not extended beyond the property and not connect to the property to the west. And E, that the post and pulley system will be addressed by a separate application submitted by the applicant in the future. That's my motion.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Next application, number seven. Suffolk Environmental Consulting, Inc. on behalf of **PARADISE POINT ASSOCIATION**, c/o **DOUGLAS CIAMPA** requests a Wetland Permit to

construct a 42' long bulkhead extension comprised of vinyl sheathing, two (2) sets of 6"x6" timber walers, two (2) sets of 6"x6" timber clamps, 8" diameter timber pilings, 8" diameter deadmen and tie-rods; backfill eroded area landward of proposed bulkhead extension with ± 40 cubic yards of clean sand obtained from an upland source to be graded and groomed.

Located: 225 Briar Lane; Inlet leading into the Boat Basin, Southold.

SCTM# 1000-81-1-16.10 & 16.11

REVISED PROJECT DESCRIPTION AS OF MAY 23, 2018: Suffolk Environmental Consulting, Inc. on behalf of **PARADISE POINT ASSOCIATION, c/o DOUGLAS CIAMPA** requests a Wetland Permit to construct a gabion mattress above mean high water 30 feet in overall length, 6 feet wide at its northern terminus and 12 feet wide at its southern terminus; the gabion mattress will typically measure one foot high and be filled with six inch diameter rocks; and the upper portion of the mattress will be anchored by temporary staking.

Located: 225 Briar Lane; Inlet leading into the Boat Basin, Southold.

SCTM# 1000-81-1-16.10 & 16.11

The application has been deemed to be consistent with the LWRP.

The Trustees have been to the site twice, last reviewing our field notes from the May 9th inspection on June 14th. The Board has considered that the mattress, gabion mattress construction is the most appropriate in this location, particularly as affords protection of the shoreline and some wave attenuation.

The LWRP coordinator in deeming it consistent though did have concerns about the relationship of the structure to mean high water, which we could possibly address further when or if we get the permitting on this.

Is there anyone here wishing to speak on behalf of this application?

MR. ANDERSON: Bruce Anderson, Suffolk Environmental Consulting for the applicant, Paradise Point Association.

Our original proposal was to extend the bulkhead along the shoreline. This is an area that is adjacent to a spoil site, and in previous applications she promised to dredge. And the problem here has been that the material will reenter the waterway when you get higher than normal high tide. It's not an area that is subject to wave energy because it's inside the inlet. So the purpose of this is really to comply with previous dredging permits which uniformly say that they don't want the material to reenter the waterway.

So the bulkhead proposal was frowned upon because it was a vertical flat structure, and the Trustees preferred something more angular, which would deflect any wave energy, and perhaps wave energy could be a passing boat, I don't know. We could not do a revetment because we didn't have sufficient land area in order to put a revetment in without actually placing the revetment into water. So this is the alternative we came up

with. It's only purpose is just to retain that unconsolidated sand whose origin is the dredge material which has been approved by this Board and all other agencies.

As to the location above mean high water, we have purposely set it above that so that, again, we are not entering the waterway. And we have also limited the length of it to 30 feet so we avoid any existing wetland vegetation.

TRUSTEE BREDEMEYER: Sounds pretty straightforward. Any questions of the Board?

TRUSTEE KRUPSKI: No. I think it seems like a good solution to what is a problem that we didn't want to keep pushing back into the creek.

TRUSTEE BREDEMEYER: The wave energy we did notice was, it seemed to wrap right around that corner. So it seems to address a number of questions. Hearing no additional concerns or questions, is there anyone else wishing to speak to this application? (No response).

Seeing none, I make to motion to close the hearing in this matter.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I would make a motion to approve this application as submitted according to plans of Suffolk Environmental Consulting last dated May 22nd, 2018, with the stipulation that if needed the lower end of the gabion mattresses be pre-filled with additional sand if it looks like there is, the elevation is changed that would limit moving along the foreshore, in other words to bring sand up over the edges of those if there is some alteration of the shoreline over the course of when the permit is running. That's my motion.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: We'll take a five minute recess at this time.
(AFTER A RECESS, THESE PROCEEDINGS CONTINUE AS FOLLOWS).

TRUSTEE GOLDSMITH: Number eight, Suffolk Environmental Consulting, Inc. on behalf of **KEVIN WHITROCK** requests a Wetland Permit to demolish an existing 889sq.ft. one-story dwelling, 210sq.ft. detached garage, and abandon existing septic system; construct a 1,442sq.ft. two-story dwelling with a proposed at grade 6'x28' (168sq.ft.) deck against the landward edge of the bulkhead; a proposed 576sq.ft. detached garage; install a new septic system 120' from wetland boundary; and to install two (2) 6'x5' drywells to contain roof runoff on the dwelling, and one (1) 6'x5' drywell to contain roof runoff on the new detached garage. Located: 580 Terry Path, Mattituck. SCTM# 1000-123-6-20

The LWRP found this to be inconsistent. The inconsistencies are: The proposed residential structure is located in FEMA flood designation 0.2% annual chance of flood hazard or five-hundred year flood, which means a flood has a 0.2% chance

or one in five-hundred chance of occurring in a given year. The parcel is over 595 feet long, it is recommended that structures are located as far from the flood hazards as practicable. And it should be noted that in response to property damage caused by Tropical Storm Sandy, the Board of Trustees issued a wetland permit in 2013. The permit did not include the large deck seaward of the residential structure, rather a rock splash pad and filter fabric were specified in that location.

The Conservation Advisory Council resolved to support this application however the dwelling should be located further landward.

The Trustees conducted a field inspection on June 13th, noting that it was a pretty straightforward application and that the house was moving further landward. Is there anyone here wishing to speak regarding this application?

MR. ANDERSON: Bruce Anderson, Suffolk Environmental Consulting for the applicant, the Whitrock's, who are here today, Doctor and Mrs. Whitrock, as well as Amos Meringer who is the contractor.

First, understand this is a modular home, so it's a very, it's going to come pre-packaged. We don't have any real ability to modify it. It is a modest home. It's a two-story home. It is located further back than the existing home by six feet and it creates a space where we are going to put some decking down, which is what you see there when you are there. And the reason why we are relocating it back six feet is because it lines up with the houses on either side.

Running through the LWRP, you should be aware that in your application we had to go to the Zoning Board and in the Zoning Board's determination they address the inconsistencies, the alleged inconsistencies of the LWRP and included in your application are the reasonings with them, and with the conditions imposed the Zoning Board found proposed action is in fact consistent with the LWRP.

For point reference there is no setback from the velocity zone. You are either in the zone or you're not. So it's that kind of reasoning leaves us with no guidance at all.

You should also know that, and I'll hand this up for your record, every property owner in the area that commented on both neighbors were supportive of the application and are all letters of support.

TRUSTEE BREDEMEYER: Those are letters of support from the ZBA hearing.

MR. ANDERSON: Yes, and from the Zoning Board. And I want to put them in your record because the project before you is identical to the project that was approved by the Zoning Board.

Also, I would put into your record the aerial photographs which depict the location of this project in relationship to the high water mark, which is the wetland boundary, and you'll conclude as did the Zoning Board that it is in fact consistent with the neighborhood. And the only other thing I would add is in the collection of letters is a very long letter written by Eugene Dinari, who is two doors down. We represented the

Dinari's and it was the subject of a lawsuit this notion you can take someone and push him back behind all the other homes, creating this tunnel effect and it was supported by the courts and the Zoning Board was overruled on that. They returned to this Board and this Board granted Dinari the permit this we are requesting same permit albeit it for at smaller house.

That would basically conclude my comments relating to the LWRP and what's been raised here.

TRUSTEE GOLDSMITH: The only thing, you addressed the deck.

MR. ANDERSON: There is an existing deck there. I don't know that it matters if it's gravel or if it's open wood. I can tell you there is no, the deck is not treated. It appears to be a mahogany-type deck. When we move the house back it creates a gap between the existing deck and the house, so we just propose to extend the deck landward to the house, when you walk out the house you are on a deck. Which is at grade.

TRUSTEE DOMINO: But the existing does not have a permit.

TRUSTEE GOLDSMITH: Correct.

TRUSTEE KRUPSKI: It's fairly newly built without a permit.

MR. WHITROCK: I'm Kevin Whitrock, the owner. The bulkhead was put in after Hurricane Sandy, and there is a fabric layer with stone, two to three inches wide underneath that entire length between the bulkhead and the railroad ties. So the depth of that is ten feet and the width of the property.

My landscaper had recommended a year later, just to make it easier to be able to exit the property to get to the stairs, to put an lpe section there. It's less than 200-square feet. It's only about seven inches off the stone. And going by what he had told me, that a permit was not required. I don't feel married to that wood structure. If you think it's important to do some sort of modification or something to make it easy for us at least to be able to get across, instead of walking on two to three inch stone, it just makes it easier to get to the beach. That's its real function.

Also with the house being moved back an additional six feet, it really does give us that bluestone area in front of the house really to be the useable deck. So that is the whole idea behind the this proposal.

TRUSTEE DOMINO: I would like to take this opportunity to remind any contractors that work within Trustee jurisdiction have to have a coastal license. A contractor's license.

TRUSTEE BREDEMEYER: It's possible that a deck constructed without a wetland permit also may need a Building Department or Zoning Board approval if it's an above-grade deck. So there a bit of --

MR. ANDERSON: It really isn't above grade. I mean, we are talking inches

TRUSTEE BREDEMEYER: It's not our determination. It's made by the Building Department. The standard we have been told is if a lawnmower can go over it without disassembling the lawnmower. But as a point of information, I don't know if that's helpful or

not, how we would handle that, or possibly the deck can come back in as an amendment after review about by the Building Department. Simple amendment to the project plan for the house.

TRUSTEE KRUPSKI: Subject to. Would that work?

TRUSTEE BREDEMEYER: Subject to, essentially. I'm not carrying the file, but --

MR. ANDERSON: I understand what you are saying.

TRUSTEE BREDEMEYER: It may not be an issue but obviously you probably want to move ahead with the house and not have everything wait for a determination on the deck.

TRUSTEE GOLDSMITH: Is there anyone else here who wishes to speak regarding this application?

(Negative response).

Any other questions or comments from the Board?

(Negative response).

Hearing none, I'll make a motion to close this hearing.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application with the condition that new plans be submitted for the deck subject to Building Department review and approval.

MR. ANDERSON: Hang on a second. We can't do that. Because the Building Department is not going to approve any deck plans until I have a Trustee permit in hand. So if we do it that way, I can't comply. I just relived this on another application last week. In other words, they are not going to approve, they are not going to accept an application for a deck or otherwise until the permits are in place. So what I would suggest you to say is if there is an irregularity that arises in the course, that the applicant is advised to return to this Board for the appropriate approval.

MR. HAGAN: Just to verify, yes, that is something that has come up on a couple application lately, so.

TRUSTEE KRUPSKI: So from a legal standpoint, how would you --

MR. HAGAN: You'd do your approval and with the understanding that if there was an issue that arose post application, that the Building Department takes exception with the approved plans from the Trustees, that the applicant understands they have to come back and amend their application.

TRUSTEE GOLDSMITH: I make a motion to approve this application with the condition that if there are any issues with the deck from the Building Department that you have to come back to the Board to resubmit that application. And by doing so brings this into consistency with the LWRP coordinator.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MR. ANDERSON: Thank you, very much.

TRUSTEE KRUPSKI: Number nine, **GAYLE B. WALLACE** requests a

Wetland Permit to remove existing docking facility and construct a proposed 3'x30' fixed dock using thru-flow decking to begin 2' seaward of Average High Water Mark; a 3'x17' metal ramp; and a 6'x20' floating wood dock. Located: 150 Briarwood Lane (Dominant); 425 & 350 Briarwood Lane, at End of 20' Wide Right-of-Way, Cutchogue (Servient). SCTM# 1000-136-1-3 (Dominant); 1000-136-1-1 & 1000-136-1-5 (Servient)

The LWRP coordinator found this to be inconsistent based on this dock not having a prior permit. He also stated that two docks occur on the parcel and therefore the proposal does not meet the code section. The applicant does not show the dock line with proposed vessel. Discussed the one-third rule.

The Conservation Advisory Council resolved to support this application.

The Trustees most recently visited this site, actually myself, Trustee Krupski visited the site today, however the whole Board visited the site on the 13th at field inspections. Also it should be noted that the file is somewhat laden with multiple neighbor letters, specifically from the Cusumano's and the Carcich's, discussing different issues with the dock application. Which have all been reviewed by the Trustees at work session.

Is there anyone here that wishes to speak regarding this application?

MR. W. WALLACE: For the applicant, William Wallace, Favata & Wallace LLP, at 229 7th Street, Garden City, New York, for the applicant.

First if I may address the LWRP. The dock that they are talking about is a dock that we seek to remove and replace. There is two floating docks there and a partial remnants of a fixed dock which have been damaged over the winter. We have not done anything to repair them because we had this application pending, so I didn't want to do any further work there.

The proposed dock will be a single 6x20 floating dock to which a 17-foot aluminum ramp comes from an approximately 30-foot, I think it will be less than that now, I think we are going to agree to cut it back a few feet. 30-foot fixed dock all in an "I" formation coming down at the end of the right-of-way. The new fixed dock will start approximately two feet seaward. It's definitely seaward of the mean high water mark and will continue to the 17-foot ramp, to the 6x20 dock. We had intended on using six-inch pilings for a floating dock. I think there was some previous discussion, as this Board knows, this has been going on for quite some time, and you've noted the correspondence. I think there was some discussion if we could reduce the six inches to four inches on the fixed dock, and I talked to the dock builder, that doesn't seem to be a problem. The fixed dock, which is relatively short, it will be under 30 feet, is going to be decked off with through-flow decking.

The application for the new dock, I think complies in all respects with the code. The old dock did have a previous, there

was an old dock that had a previous permit. There has historically been a dock at this very same location built by the applicant's grandfather, we have documented 1941. We believe it was earlier than that, but from 1941 on there has been some type of dock historically at this exact location. There was a previous permit, I'm going to say it was permit number 1866 that was issued on the applicant's father as a grandfathered in. There was never any application made, he was grandfathered in as an existing dock. I think the problem with that is that permit applied to I'm going to say an 8x16 floating dock which had been, over the years had been replaced. And now there exists two docks, I think the total length of the two docks together is 24 feet. 4x24 I'll say. But the intention is and the application is to remove the existing docking facility, to which I guess the LWRP had a problem with. That structure is going to go. It's not useable as it is now anyway. So that will go. So the proposal is to replace it with a fixed dock, similar location but now in compliance with the through-flow decking, seaward of the mean high water mark, and then affixed on the floater.

The issues, which I'll anticipate, the issues are, we are crossing a deeded right-of-way that has been in existence, since all these lots were divided by Ralph Sterling back in the '20s and '30s. My wife's grandfather bought this lot and my uncle bought the lot next door back in '32, I think. So the right-of-way goes to, is read as from East Creek sometime known as Eugene's Creek, to Harbor Lane. So it's an ingress and egress easement that gives us access to the creek and it gives everybody else access to the town road of Harbor Lane.

It's my position, and I know it's not this Board's jurisdiction, it's my position that nobody here has jurisdiction seaward of the mean high water mark. And that's where we'll start this dock. At the end of the right-of-way. Seaward of the mean high water mark. There will be no utilities of any kind. No fresh water, no electric, no sanitary facilities. It is going to be a 6'x20' floating dock. And there has never been a boat at that dock bigger than 22 feet.

As far as the one-third, I'm clearly, Trustee Krupski, you were there today. You know, there is no impediment to any kind of navigation. It's, the pier line is even, the dock, the Carcich dock, which you have correspondence from the Carcich's, the Carcich dock is approximately 50 feet to the south. The proposed dock will terminate at or about that same level. The Cusumano's installed a new dock in the last couple of weeks which is significantly seaward of this proposed dock. Maybe ten, 12 feet. His new dock is. We are far less than one-third from the mean high water mark out into the seaward area.

So I'm only going to request some time to reply to what I know the Cusumano's and the Carcich's are going to have plenty to say, but unless this Board has any questions for me or my client, who is here, I think. No, she is out with her grandson. He was acting up a little built.

Again, this dock has been in this family since 1932. We can document '41 when the dock was there. It's been used consistently, continuously and uninterrupted for that period of time. Until now. So we want to get the mess that is down there out of there and we want to put a proper, small, in the scope of the applications I heard tonight, my anecdotal survey driving up and down the creeks, it's a small dock. It's going to be built to the standards of today. And it will have no impact on the salt water grasses or vegetation, and I don't see any reason why it should be denied. Questions?

TRUSTEE KRUPSKI: Thank you, for that introduction. Is there anyone else here that wishes to speak regarding this application?

MR. CARCICH: Good evening. Fred Carcich, I'm the owner of lot number five, on Briarwood Lane right-of-way. My wife and I share ownership of the eastern portion that right-of-way with Matthew and Vera Cusumano, our neighbors to the north who are here this evening.

The proposed fixed dock, metal ramp and floating dock as shown on Corwin survey dated April 24, 2018, penetrates substantially onto our property. As such it is totally unacceptable. The Cusumano survey establishes mean high water 168 feet from a fixed monument at the southwest corner of their property, and 589 total feet from Harbor Lane. This mean high water sets the eastern portion, eastern boundary, of our respective properties.

The Corwin survey shows a high water mark instead of a mean high water mark. A high water mark. The only dimension given to this mark is 578 total feet from Harbor Lane. A full eleven feet less than the total on the Cusumano survey. Tellingly, the Corwin survey does not label this mark as mean high water, merely as high water. For the purpose of setting a real property boundary, high water alone is meaningless. As to construction on our property, Corwin verbatim from William Wallace' letter October 6th, 2016, to the Southold Board of Trustees, I quote. That being said, I advised Mr. Ross in our telephone conversation of September 14th, 2016, that the applicant had no intention of erecting any portion of a dock, including catwalk and ramp, westerly of mean high water or easterly of the furthest most adjacent dock, that being the Cusumano dock. You have a copy of that letter. I have copies here, additional copies, if you want another copy.

If it is the intention of the applicant to substitute the Corwin high water mark for mean high water as dimensioned on our surveys or any of the other surveys and site plans submitted over the course of this application, including the survey that accompanied the application for permit 1866, grandfathering the original 14-foot ramp and 16-foot float, we will regard that action as an effort to take real property, and act accordingly.

As long as the applicant has designs on building on our property as defined by our property surveys and dock permits, we will deny our consent in accordance with section 275-11(c)(2)(8) of the Town Code. Thank you.

TRUSTEE KRUPSKI: Just for point of clarification are you stating that where he currently plans to start the dock is not in fact below the mean high water mark?

MR. CARCICH: That's correct, it's not. What they have done is he has engaged Corwin to provide a mark, a line, which he doesn't even call mean high water, on the survey. He just calls it high water mark. What is a high water mark. It could be after storm Sandy, it could be when a northwest wind blows. It could be anything. That is absolutely irrelevant.

MR. WALLACE: So if I'm understanding the objections. The objections are the commencement of the fixed dock landward of the mean high water mark. I stand by my October 2016 letter, there is no intention of us starting anything landward of the mean high water mark. Going back to 2016, maybe late 2015, on a site inspection I asked Mr. Bredemeyer, at the time the president of this Board, where do we get the measurement for the mean high water mark and I was told there is no determined mean high water mark on that body of water on the creek, and this Board generally uses the rack line as the mean high water mark. We did more than that. We engaged a study. It took six or eight months with data, I think I've written to this Board and explained to this Board in May of 2017 the methodology we used in determining the mean high water mark. My son who is a scientist at Stony Brook University and teaches marine science at Suffolk County and St. Joseph's in Patchogue, conducted the study and we came up with the mean high water mark that is depicted and was used in the Corwin survey. There is no intention -- excuse me, I'm talking. I have the floor.

TRUSTEE KRUPSKI: You have to talk through the Board. There is no back and forth between --

MR. WALLACE: The study shows where the mean high water -- there is no intention to take property. First of all, it's a deeded right-of-way. We couldn't take his property based on that. Okay, there is a recorded easement for that property. We have the right to traverse it. There is no building of any structure on it. And there is no intention, again, I reiterate to this Board, there is no intention to build anything landward of the mean high water mark. So there if there is a determination different than the determination we came up with. And I'm not talking about the Cusumano survey, because that's a 1980 something survey recertified in 1992 using 1929 data. Now, we all know the mean high water mark has changed since 1929. So the best evidence of where the mean high water mark is, is the study we did, which I explained to Mr. Domino in the letter I think it was May 16, 2017, in which time I was told at that time by the Board that we are using the ordinary high water mark. The ordinary high water mark. The high water mark doesn't apply to tidal estuaries and things like that. So the only determination based on scientific evidence that I know as to where the mean high water is at that location is the one that we have done.

All of that being said, I think it's easier, if we back in

this thing, we are not going to start -- we'll get wet several times a year, right, getting to the dock. But we are not starting this thing landward of the mean high water mark. Everything will be seaward of the mean high water mark and nothing further. I'm not going out as far as Cusumano's dock. I'm going as far as Mr. Carcich's dock, more or less. It's hard to really determine. But we are not going out any further, the dock has been there for many, many years, under 1866. Even the old dock was only at that location. It doesn't pay me to go out any further, I don't pick up any more water, quite frankly, unless I get into the middle of the channel. So it doesn't pay me to go any further than where I am now. I have a 22-foot boat. Mr. Curren, who is the other landowner, he shares the right-of-way, he has an 18-foot boat. No one is getting bigger boats down there. Tiger Woods didn't want to dock his boat there, he had a nice place in Sag for the open. So that's all we are doing. And there is no electric, no lighting, there is no water. It's just a very small structure being proposed.

TRUSTEE WILLIAMS: I have a question, if I may, Mr. Carcich. Is there a deeded right-of-way to the proposed dock location?

MR. CARCICH: Yes.

TRUSTEE WILLIAMS: Okay. Because the Trustees have been there to inspect --

MR. CARCICH: There is a deeded right-of-way.

TRUSTEE WILLIAMS: Has there always been a dock at that location?

MR. CARCICH: As far as --

TRUSTEE WILLIAMS: Since you owned your property, has the dock that we are referring to --

MR. CARCICH: Yes, there has been a dock at that location.

TRUSTEE WILLIAMS: That was my question. You can go ahead.

MR. CARCICH: My question is this. Is it my understanding that this Board together with Mr. Wallace participated in a quote unquote scientific survey to change the mean high water mark on our property and therefore cut back our property? Is that true? And we did not participate in it?

MR. HAGAN: The Trustees are not responding to your question.

TRUSTEE BREDEMEYER: I'm sorry, I'm not responding to your question. The Trustees are not engineers or surveyors, but there was a discussion concerning there is almost no site-specific datum on this. In other words, I can tell you there was almost no site-specific datum. It's not for us to say. We have to rely on engineers, architects and surveyors for the work that we do.

MR. CARCICH: So in other words what you are saying is that the mean high water mark that is shown on our surveys can be changed at any time by an engineer or architect or surveyor without our knowledge?

TRUSTEE WILLIAMS: In theory, if you have erosion and a new survey came out, the line can change.

MR. CARCICH: Has a new survey come out?

TRUSTEE KRUPSKI: We have a survey in the file.

MR. CARCICH: Which is the survey --

TRUSTEE KRUPSKI: You guys have it with the date.

MR. CARCICH: Is it the Corwin survey?

TRUSTEE BREDEMEYER: Last revised on May 11th, 2018.

MR. CARCICH: The Corwin survey?

TRUSTEE BREDEMEYER: Nate Corwin survey.

MR. CARCICH: And that Corwin survey, what does it refer to as the line?

MR. HAGAN: If I can just chime in. It is a written document that is in the file and the document speaks for itself.

MR. CARCICH: I just wanted you to notice that it does not say mean high water. I don't think that Mr. Corwin wanted to put his name on something and call it mean high water. He calls it a high water mark.

Going back to Wallace's letter, he refers to mean high water. And he's interchanging the terms now.

MR. W. WALLACE: May I respond. First of all, Mr. Carcich is talking about our survey. His survey doesn't show any high water mark, mean high water or other. The only one that references a mean high water mark is the 1989 re-certified in 1992 that belongs to Cusumano, and we think the data is based on 1929 data. Number one.

Number two, Mr. Wallace didn't work with this Board to do any kind of survey. I engaged my own surveyor, I had my own scientist do the high water mark. I didn't work with the Board on any other matter. There is no site-specific mean high water mark that we could find. I was told it was the rack line. I'm fine, it's not the rack line. I have never changed my terms. I have always, I have always used mean high water mark. That's always been my terminology. I never used ordinary high water mark. Only adopted rack line when I was told that was the standard used before this Board, you know, I stand by my application. There is no intention to take anybody's property or build on anybody else's property. It's just to put what has historically been there since at least 1941 and put a dock at that location, and a very minimal dock at that, thank you.

MR. HAGAN: Just so we can clarify, because there is a gentleman standing behind you. So we take comments one person at a time. So I'm just trying to give you your opportunity.

There is a gentleman standing behind you. If you would like to wait for Mr. Carcich to be completed, then you'll have an opportunity. We can't have multiple people at the podium at the same time. Thank you.

MR. CARCICH: Mr. Wallace refers to the dock that was previously there that was grandfathered in, number 1866. Grandfathered in, number 1866, it provided for a 14-foot ramp and a 16-foot float from the shoreline. That shoreline was shown with an exhibit. The dimension from Harbor Lane to where that dock could start, our position is fine, start your present dock at that same place. Don't come back on our property with some sort of a we did a scientific survey.

TRUSTEE KRUPSKI: How far off are you saying his line is?

MR. CARCICH: Eleven feet.

TRUSTEE KRUPSKI: Eleven feet?

MR. CARCICH: Yes.

TRUSTEE KRUPSKI: So you are saying it's eleven feet further of his measured line.

MR. CARCICH: Correct.

TRUSTEE KRUPSKI: Would you like to speak?

MR. CARCICH: I just wanted to say, put your dock back eleven feet and we are all finished, we are all clear. Thank you.

TRUSTEE DOMINO: Trustee Krupski, can you clarify for me, the eleven feet, does that mean since the proposal is two feet from what is called the high water mark, that means that the dock should begin nine feet further?

TRUSTEE KRUPSKI: Right.

MR. HAGAN: That's their position.

TRUSTEE KRUPSKI: That's their position, correct?

MR. CUSUMANO: Matthew Cusumano. My survey was not based on 1929 information. I paid a lot of money for that survey. They came and staked it out and it was from 1999 I believe. I'm not sure. But it was not an old, it was not based on old information. That was all I have to say.

MR. HAGAN: Thank you.

MR. W. WALLACE: One quick point. I know the hour is late. I never claimed his survey was old. I said the data that designates the high water mark is old. The survey was from 1989 and I think updated in 1992. Can I just introduce Ryan Wallace quickly. In two minutes he'll describe the methodology he used in determining the mean high water mark.

MR. R. WALLACE: My name is Ryan Wallace, I'm William's son. I'm a scientist at Stony Brook University and I have been doing a lot of research actually at the end of that dock over the past decade. So it's been a couple seasons now I haven't been collecting out there. So regardless, one thing to clarify is that the Cusumano survey, at the very bottom of that you can see there is a little inscription that says NGVD. See that. That's the vertical datum of 1929. So you have surveyors have been using this throughout the 20th century. So it's expected. Shortly after that survey this datum was actually changed. In 1988 in fact. So that may have changed a bit. But again there is no localized data, there is no specific information on where the mean high water mark is relative to that location. So what we did is we went out there and we put a water level sensor out there and took data for three months. Now to actually change a datum or to change the location of where the mean high water mark would be, you would need 19 years of data. So we just didn't have that time. At least one season would be good as well but we didn't have that time either. So for three months I went out there and I took water level measurements with a very, very accurate water level sensor, which I think it was described earlier to the Trustees in a little paragraph I wrote. And if there is any questions, I can answer them as well. So this is accurate within millimeters of what the water level is. During that study, discrete measurements were taken on land to get an idea within centimeters of where that mean high water mark would

be at that specific location. And we found this at the time mark and log that had marked the original 1929 vertical datum mean high water level, was actually eight feet, 8.4 feet seaward of where it is presently. Now, this could be sea level rise, this could be, you know, this is a dated, old datum that is no longer used anymore. Regardless, that was the calculations I got over the course of three-month's worth of datum. And I would be happy to show you the data on that as well, raw data, if anyone is interested.

Regardless, the land surveyor actually came in and actually pushed that mean high water mark or whatever they may call it, the high water mark, actually 3.6 feet toward the land in our favor. So I don't know how he calculated that mean high water mark but I do know the mean high water mark is well west of that original survey, Cusumano survey, which is using datum from 1929. So it could be argued the location of the mean high water mark, again I mean, another study could be done or mine may be slightly off, but the fact of the matter is I think if you are going to argue that is the actual mean high water mark at that tie marker at that 1929 datum mark, I think that another survey would have to be done on that property to actually make a final decision. But I can assure you the mean high water mark is far west of that log from the 1929 vertical datum mark, so.

TRUSTEE DOMINO: Can I ask a question. You said you needed 19 years of data. Is that based on lunar cycles?

MR. R. WALLACE: So, I don't need 19 years of data. But in order to change datum, NOAA would need technically 19 years of data to change an actual datum. That doesn't mean that's where the mean high water mark would be at that specific time, but that's just what it would take to change an actual datum. They need 19 years of data. So it was changed, the vertical data was changed in 1929, it was actually a mean high water mark that was basically changed names and was modified a bit. And then it was eventually reclassified in 1988.

Now, throughout most of the 20th century surveyors were still using the '29. I think most of them, I'm not a surveyor, I don't know much about surveying, but I think most of them now are using at least the '88. But again, it's not really, you are arguing this specific location. I mean the only real way to tell where the mean my water mark is at this specific location would be to collect data over a period of time. Of course if I were to collect data over the next two years, you know, we may have a slightly different high water mark horizontally and vertically, within that system. But we are talking centimeters. So.

TRUSTEE DOMINO: I'm trying to address why the Trustees should use the rack rather than have an exact mean high water. And to my way of thinking if you are collecting 18.9 years of data or 19 years of data, you determined the mean high value for that block of time. Which has limited meaning going forward because the next mean high requires 19 more years of data.

MR. W. WALLACE: Sure. Exactly. And I don't make up the rules as far

as NOAA's regulations and what they would use to change the -- and it's technically not the mean high water mark that we would change, it's the datum that we would utilize to change all the mean high water marks for let's say North America. So it's kind of -- TRUSTEE BREDEMEYER: As a point of reference, I'm familiar with some of this stuff because I was dipped in water for a long time in my former employment. So you have the NGVD, that data, but we are talking about a Cusumano survey now which has been brought into the discussion, from 1999, with the 18.9 or almost 19 years of datum required. That means, that survey itself, based on old datum, a full evaluation period has run until now that, in other words we don't know what the basis is there.

Now we don't base it on a storm rack or, we base it on what looks like a reasonable, average rack. And when we get there, we are well cognizant of the last lunar, storm tides or whatever, and it becomes a practical matter.

MR. W. WALLACE: If I may, this proposal starts the fixed dock well seaward of the average rack line there. I'm not even going near the rack line now. That's what I was originally told.

I'm going to ask for a DNA test, I don't think he's my son. I don't know where he came from, so.

MR. R. WALLACE: And another thing, you can go down there, and the rack line, the rack line is probably just as good a determination of the mean high water mark as doing all these calculations.

Again, there is also, just to kind of add into it, you know, within, I looked today about seven feet there is a dense stand of *Spartina alterniflora* that actually grows about seven feet west from that tide mark as well. I'm sure you all know this is an intertidal species and this would be out-competed by maybe *Spartina patens* or other upland marsh plants. So the fact that it's even growing there means it's tolerating a salinity in this intertidal zone. So just looking at the biology, the biology is telling me it's probably about between eight and ten feet or maybe even higher, maybe 12, like the surveyor said. It's also, you know, very low slope there. It changes. So this much water could move half a foot or something like that. So it's kind of an interesting area as well because it's kind of not your true salt marsh zonation. It's like a truncated zonation, because you have quite a slope that goes up to the west as well. So you kind of have this stand of *Spartina alterniflora* followed by these higher marsh plants, morphologically, *patens* and *alterniflora* are quite distinct. And I didn't see any *patens* down there. And I never have looking in that area. Maybe across on the east side of the creek. But regardless, I mean it's, yes, you can argue the mean high water mark and have fun with the data for years, but I mean, maybe the rack line, either way we know the mean high water mark is at least eight to maybe 12, eight to ten at least, feet west, currently, of that tie mark or that log that is there. With sea level rise, you know, it could change within the next five to ten years. So who knows. So it's something that, you know,

something we can actually monitor if we have that dock out there as well.

MR. W. WALLACE: Lastly, no one has any intention of taking anybody else's property here. You know, on this record, I'll say that we can do a boundary line agreement, whatever needs to be done. No one wants to take any property. We just want to have a dock that is at or about this mean high water mark and goes out even with Mr. Carcich's and well within Mr. Cusumano's new dock. Thank you.

MR. CARCICH: May I speak. What is being suggested here is that in the intervening years, that the water line has gone up eleven feet. Presumably it went up eleven feet on the other side of the creek. So you are saying that for our 350 foot, approximately, creek width, the water line has, our banks have swollen by 22 feet. That sounds preposterous to me.

Just take this for what it's worth. The scientist here is obviously, should recuse himself because of the relationship. I have nothing further.

MS. CARCICH: I'm Marianne Carcich. I'm the co-owner of lot five with my husband Fred Carcich. I do have to be contrary to William Wallace's statement that he has always indicated mean high water as the start of his dock structure. And that is not the case. If you look at his original application, from August, 2016, and discussed, and there was a meeting in October of 2016, the sketch was incomplete, but it clearly showed the structure that basically fell in line with the non-permitted structure which existed for many, many years, with our, you know, largess consent in trying to be good neighbors, okay, sure, sure, go ahead. Do what you want. Well, that was a mistake. Anyway, please do look at the record and see where the applicant has placed this proposed dock. And you can understand our skepticism. I'll say skepticism. Even the current sketch -- by the way, why wasn't a survey done?

TRUSTEE DOMINO: Ma'am, please address the Board.

MS. CARCICH: I'm sorry. We don't understand why a survey was never done by the applicant other than that partial right-of-way thing. I could only guess, perhaps they never did want to ask our permission to do this. And we certainly would have welcomed that. Anyway, that never happened.

I do have a statement I would like to read for the record.

However the Trustees resolve the application for a new dock permit on the Briarwood Lane right-of-way, we the wetlands property owners, the Carcich's and the Cusumano's, have to live with the consequences for a very long time going forward. As we have lived with the grandfather permit, which we've never seen, but we were told about it. And it grew, had great status, just the mention of the grandfather permit.

The new float proposed by the applicant is fix foot wide by 20 foot long, the maximum size allowed by code. Within an expectation by the applicant that a boat will reside on both sides of it. We have yet to see a complete drawing for the

proposed dock in context with the existing docks and structures on either side of it. Which is required. The question for the Trustees and the Town attorney, who can use this dock besides the permit holder? We don't have the answer to that. Right now, it's assumed it will be used by the permit holder and a guest. How long before the guest seeks grandfathered rights to the dock? I don't know. Can the permit holder rent out one or both sides of the dock based on the riparian rights of lots three and four? Will there be any restrictions on its use? I looked in the code, I don't see that. Maybe you can address that.

If there are no enforceable restrictions then, to quote the review and approval of dock applications section of the code, it will, quote, significantly impair the use or value of waterfront property adjacent to or near the dock. End of quote.

If we as property owners are meticulous in demanding adherence to code and precision in the applicant's documents which has been lacking over the, I don't know, has it been three years? Anyway, if we are demanding -- if we are meticulous in demanding adherence to code and precision in the applicant's documents and a full understanding of the consequences of the Trustees' actions, it is because we have learned by experience to be so. As always, we welcome a lawful resolution to the application before the Board. Thank you.

MR. HAGAN: If I could address one point with the Board's permission. The Town Attorney's office provides legal advice to the Town of Southold, its requisite boards including this board, the Town of Southold Board of Trustees. As such we are unable to give legal advice or legal interpretation to people outside of town government. So I would be unable as assistant town attorney to address your questions because they call for legal conclusions.

TRUSTEE KRUPSKI: I do have one more question for you, Mr. Wallace. The survey dated May 11, 2018, to me, it looks like you are going out quite a bit further. And now I know from on the record discussions and where you placed your buoy you are only going ten inches further.

MR. W. WALLACE: I think at that time I was intending to go almost as far as Cusumano's former dock that has just been replaced. And a little bit beyond the Carcich dock. But I have revamped it and I think I told you, I staked it, and I'm only going to go out about as far as the Carcich dock.

TRUSTEE KRUPSKI: Okay.

TRUSTEE DOMINO: Do we have plans that reflect that?

TRUSTEE KRUPSKI: I don't. I would need plans that reflect that. Can you supply us with new plans depicting that?

MR. W. WALLACE: Yes, I guess I can. On the issue of the survey we did request. We couldn't enter on that property. In fact Nate Corwin called me and said he got chased off the right-of-way.

TRUSTEE KRUPSKI: Just for starters -- we can't go back and forth all night. For starters, I would need new plans depicting what you intend to build.

MR. W. WALLACE: You are talking about the terminal end of the dock.

TRUSTEE KRUPSKI: Yes. The current plans make it look 17 feet farther than it currently is. Which is not obviously what your intention is to do. So if you could provide us with basically the same survey from Nathan Taft, but depicting the length you intend to build. So this is --

MR. W. WALLACE: Do you want this done by Nathan or do you want us to do plans on superimposed or an overlay?

TRUSTEE KRUPSKI: What I'm look at here is an overlay from Nathan Taft.

MR. W. WALLACE: The overlay has to change.

TRUSTEE KRUPSKI: So I would want to see a changed overlay. So basically you are just straightening the dock out. You are leaving it at the current length. You are just straightening it out. Plus a foot on one side, a foot on the other.

Does anyone else on the Board have any questions, comments, thoughts?

MR. CARCICH: I wish to respond to a statements just made by Mr. Wallace claiming that we chased off Nate Corwin.

TRUSTEE KRUPSKI: That doesn't really pertain to us with this application. To be honest with you. At this point we have to stick to the dock, and that doesn't pertain at this point to the application.

MR. CUSUMANO: But that's a lie, a God-damned lie.

TRUSTEE DOMINO: Take the advice of Trustee Krupski, direct your comments to the Board.

MR. CARCICH: The Cusumano's were down in Florida. I was alone in the house and a white truck comes into the Cusumano's driveway.

TRUSTEE KRUPSKI: It doesn't pertain to the application. We are here to talk about the dock and where it's going to go and the environmental impact.

MR. CARCICH: I wish when he said he was chased off, maybe you should have stopped him there.

MR. HAGAN: Give the man an opportunity to address this thing. I'm sorry, sir, you were saying you were home and there was a white truck that came in.

MR. CARCICH: I was home and a white truck came into the Cusumano driveway. They are in Florida. I don't know who these people are. There was no distinctive markings on the truck. I didn't see a transit or a Philadelphia rod. Two guys start walking around the house. I call up Vera down in Florida and I said did you hire a contractor to do something. And she said no. I said well who are these guys who are walking around your house. We were never given any notice that a surveyor was coming, neither from the Wallace's nor from Corwin. When they came over, I asked them who they were and what they were doing. They said they were surveyors. I called up Vera again and I said they say they are surveyors. And Vera was quite incensed. How dare they come on my property without telling us.

MR. HAGAN: So you told those people to leave.

MR. CARCICH: We told them to leave. Yes.

MR. HAGAN: So you asked the surveyors to leave. Thank you. Feel free to move on.

TRUSTEE KRUPSKI: Is there anyone else that wishes to speak with regard to this application?

MR. HEFNER: Yes. My name is Gerard Hefner, I'm a real estate attorney. I represent the Wallace's. I apologize to the Trustees for the phone calls I've received and the beepers, but I have two teenagers that are counsellors-in-training at Peconic Dunes Park that need to get home tomorrow for Regents exams. So they are bugging me to get home. But I felt it was important that I come and at least listen to what has gone on here this evening. I have known the Brown's, including Gayle's grandparents all of my life. Gayle and I and Billy, her husband, all grew up together. And that dock, since I was a little boy, was always there. I don't think any of you were there.

TRUSTEE DOMINO: Please address the Board, sir.

MR. HEFNER: I don't think any of these people, only lots abutting the water were there. And the Curren's weren't there either. Having said that, it's obvious to me and I just want to call the attention to the Board, there is a great deal of animosity going on back and forth between one side of the room and the other side of the room. Trustees, Krupski, who was at the property earlier today or yesterday, you know you have four lots. You have four houses. You've got this street. They have beautiful homes on the water. The Curren's and the Wallace's have the two that are closest to the street. We are talking a dock so that the Curren's and the Wallace's can use the water. They have their own docks. Why they are trying to cut that off, I don't know. And I would also advise the Trustees advise them, as I have sat here since five o'clock this afternoon, listening to people talk about all kinds of interesting things, and as a real estate attorney I was interested, about erosion and accretion. And I don't know the first thing about high water marks, but I do know that boundary lines change. Riparian rights change. As property is eroded and property is created, more sand or whatever, soils build up. And that is the risk you take as an owner of waterfront property. It doesn't change the rights of people that might have rights to use that waterfront. If the waterfront is eroded away and the high water mark moves, sorry, that is the way God made the world. I don't think they are taking anything away significantly from anything. And certainly as Billy described it to me, let them have their dock. That's all I have to say. With that I'm leaving to pick up my kids.

MS. CARCICH: Marianne Carcich, again. I feel I have to correct the record. If you look at the historical record, which goes back quite a ways, we have always insisted that any new dock be legal and it respect our property rights. Including mean high water. If you look at historical record of the Wallace's submission, I think you would find them lacking. We would love to have a nice looking dock down there. I'm concerned about the width of it, as I mentioned before, and the overall length and what activities can take place on that dock. But we have never

said that we don't want them to have a dock. And if they had ever come to us, after the denial of their platform, which precipitated the whole issue of the transfer of permit, this could have been settled a lot sooner. In fact at the last hearing, which was in October of 2016, we hired a lawyer because we figured let's just negotiate with them and tell them you give us the rights, you sign the permission so we can get county water and we'll, you know, then we can talk about building landward of mean high water.

MR. HAGAN: This has nothing to do with the application.

TRUSTEE KRUPSKI: Thank you.

MS. CARCICH: Thank you.

TRUSTEE KRUPSKI: Is there anyone else to speak to the application? (Negative response).

Hearing no one else, I make a motion to close the hearing.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Because it would not be environmentally sound to issue a dock that started in the water or over the Spartina alterniflora, I make a motion to approve the application with the following stipulations: New plans depicting a dock that goes no further seaward than the adjacent docks. That the dock does not go further than either the adjacent docks, that the dock starts below the mean high water line, and that the dock is built over Trustee property.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: Motion has been made and seconded. All in favor? (ALL AYES).

TRUSTEE WILLIAMS: Number ten, En-Consultants on behalf of **ANTHONY & ANGELA GERACI** requests a Wetland Permit to remove existing two-story, single-family dwelling and attached garage, deck, and cellar entrance down to top of foundation wall; construct a new two-story, single-family dwelling and attached garage with an approximately 2,894sq.ft. footprint over existing foundation and basement (to remain), with a proposed 406sq.ft. waterside stone porch and steps; a proposed 126sq.ft. roadside stone porch and steps; new ±5'x11' basement entrance; re- grade around waterside of new dwelling using soils obtained from on-site excavation; install a drainage system of gutters to leaders to drywells to contain roof runoff; abandon existing sanitary system and install new sanitary system landward of dwelling; and to remove and replace the existing driveway. Located: 600 Snug Harbor Road, Greenport. SCTM# 1000-35-5-35

The LWRP coordinator found this project to be consistent with policy standards.

The Conservation Advisory Council supports the application with a note questioning the need to remove the two healthy oak trees.

On June 13th of this year the Trustees visited the site.

All Trustees were present, noting that the project looked straightforward.

At this point I would like to hear any comments. Does anybody wish to speak to this application?

MR. HERRMANN: Yes, Rob Herrmann of En-Consultants on behalf of the applicant. Also John Seifert the design architect is also here with me, if the Board has any questions.

The application is reasonably straightforward but there is a couple of housekeeping issues that I just need to deal with in connection with how the plan has been presented. And then I can get to the question on the trees, which I needed to address anyway because I realize the proposed tree removal was not included in the written project description. So we'll have to ask to include that.

So generally, the application proposes the nearly in-place replacement of the existing house with the new dwelling with a new driveway connecting Snug Harbor Road and new upgraded septic system on the roadside of the house outside the Trustee jurisdiction.

As John had designed the plan and as is noted on the site plan, the intention was to basically take down the two stories, rebuild the two new stories, waterside deck is removed in favor of a waterside stone porch. A couple other minor changes. But the idea was to leave the existing foundation wall and the basement slab in place and do all the reconstruction over that.

Now there is some question as to the feasibility of doing that because since the original design and submission of the application they have had some site meetings with the project engineer and apparently the foundation is a block foundation wall. So there is some question now as to the cost factor and feasibility of whether to actually try to reuse the existing wall or to replace it in-place.

So what I would ask of the Board, just so we don't run into a problem, is that we would ask to amend the site plan to show the possibility that even though the footprint would remain identical as it's been presented to you, the basement slab would remain, but to allow for in-place replacement of the block foundation wall with a poured concrete foundation. That way if they do end up going that direction they are covered, and if they end up not going that route and doing this, it's okay. Because we can ask for more and do less, but I don't want to be in a position where we are sort of asking for less and then the contractor ends up doing more and then ends up getting into a problem.

I explained to John and the client I didn't anticipate that would be a problem because it doesn't actually change the scope of the design or the footprint of the house in any way, it just speaks to the actual pouring of a foundation wall in place of the existing wall. And we've learned from past projects over the years, I try to get out ahead of all this stuff before I actually go to construction.

With respect to the trees, that there are two oaks to be

removed. And on that note, the client was actually wanting them to remove the third oak, just because those trees are essentially sitting right in front of the house. They are located fairly close to the house, and there is a possibility that that root structure would be damaged anyway during construction. So ideally we would like to ask to remove all three of those oaks. But if the Board, the 25-inch oak that is to the, I guess northwest of the corner of the house, that can probably be saved. So if the Board would rather not see that tree go down, we would just stick with the two that are shown. But again, we would ask you to allow us to amend the project description to include removal of those two oaks.

I think that was it. John, am I forgetting anything?

MR. SEIFERT: No.

MR. HERRMANN: That was it.

There is a hearing that follows this, we were also proposing in-place replacement of the bulkhead in connection with his previously-required non-turf buffer.

TRUSTEE WILLIAMS: One of the things that concerns me a little bit is replacing the existing foundation is a whole different scope, a lot more excavation work. Because it's not just like you magically put it in. You have to excavate out, I'm assuming, about six feet out to get the forms to pour the concrete.

MR. HERRMANN: Yes.

TRUSTEE WILLIAMS: Does that change the nature of the application or is that something we can --

TRUSTEE DOMINO: I believe it does. Doing a poured foundation rather than just building on an existing foundation is a significant environmental change.

TRUSTEE KRUPSKI: How far is the house from the bulkhead?

MR. HERRMANN: The nearest corner of the proposed house is about 63 feet from the bulkhead on the north side, and then that extends to beyond 77 feet toward the south side of the property. The minimum setback now to that Bilco doors is about 61 feet.

I mean in terms of the scope of the project, it doesn't make it unusual. I mean that would be the typical construction practice.

TRUSTEE KRUPSKI: The project-limiting fence, is that a silt fence?

MR. HERRMANN: Correct. And that should be, I don't know if it's noted, but that should be a wire back siltation fence. So we show that, it's pretty close to the flood zone line. And that fence really could actually be set, you know, probably a bit closer to the house. But given the size of the property, they were trying to allow some room for stock piling of soil and so forth down on that side.

TRUSTEE GOLDSMITH: The lawn needs to be mowed. But other than that, it's just --

MR. HERRMANN: I mean the back of that property will get blown up for the bulkhead replacement regardless. But again, it's not, I mean in terms of any wetland impact, there is really no substantive --

TRUSTEE KRUPSKI: It's going to be the same equipment on there to demolish it, the house in general, there is going to be an

excavator there anyway.

MR. HERRMANN: And it is presented as a full demolition. So

TRUSTEE WILLIAMS: Is that going to be like a game-day decision, like we'll tear the house down and see what condition the foundation is in? Where are we headed with this?

MR. HERRMANN: I mean, John can speak to this, but my understanding is that -- well, John, why don't you.

MR. SEIFERT: John Seifert with the firm WSJS Architects. I'm one of the partners in that office and I'm the design architect on this project.

So the sense is this block foundation, the current house is a one-story ranch, whoever has been out to see it, and it will become a two-story home. So some parts of it are a little questionable and it's probably best to replace it if we can. In terms of structural stability, we would have to do some concrete work around the top to solidify the existing foundation. When they take the framing off to demolish the house then they have to brace the existing block walls. That might create some movement along the line. So the sense is at this point, you know, it would probably be better to remove the block walls and replace them with poured concrete. Reinforced poured concrete walls at this point. Of course if you would prefer us not to do that, we would have to take some extraordinary measures and it would cost the owner a little more money and a little more time. So we would have to take some extra measures to solidify and stabilize the wall to allow it to carry.

TRUSTEE WILLIAMS: Just to be up front with you, we are not adverse to the project. We just would have preferred the project had been proposed as such, not be addressed at the public hearing.

MR. SEIFERT: I understand that. I apologize for that, but this evaluation just happened about three or four weeks ago.

TRUSTEE DOMINO: Wouldn't it be to your advantage to assume you were going to have to do this poured foundation?

MR. SEIFERT: Yes, it would be to our advantage to be able to have that.

TRUSTEE DOMINO: Amend your application somehow to include that and then if you don't have to do a poured foundation, you're ahead of the game.

MR. HERRMANN: That's exactly what I'm saying, is we are asking to amend the site plan to allow for that. That's what I had just said. So we would ask the Board to approve the project conditioned upon a revised site plan.

TRUSTEE DOMINO: Let's just move forward with the fact it will have to be a poured foundation.

MR. HERRMANN: Yes. That was the whole point of my raising this.

Am I missing something?

TRUSTEE DOMINO: No, we wanted to make sure you understood where we are going with this. It's a question of clarity.

TRUSTEE WILLIAMS: So you talked about the trees, then you talked about the foundation. Was there any other housekeeping issues you have there for us, Mr. Herrmann?

MR. HERRMANN: No, sir.

TRUSTEE WILLIAMS: Anybody else here that wishes to speak to this application?

(No response).

Any questions or comments from the Board?

TRUSTEE KRUPSKI: It seems like a good project.

TRUSTEE WILLIAMS: Is it possible that the homeowner would be willing to, those trees are going to have to come out because you'll be excavating the foundation there. Would the homeowner be open to planting two new trees?

MR. HERRMANN: As long as they are not right in front of the face of the house, I'm sure they would.

TRUSTEE WILLIAMS: Two new trees somewhere in the backyard.

MR. HERRMANN: Sure. Sounds good.

TRUSTEE WILLIAMS: Anyone else have any thoughts or questions? (Negative response).

I make a motion to close the public hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: I make a motion to approve the application with two stipulations. One is new plans showing the foundation being replaced. And two is that after the removal of the existing oak trees that two new trees be placed in the backyard.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number eleven, En-Consultants on behalf of **ANTHONY & ANGELA GERACI** requests a Wetland Permit to remove and replace in-place approximately 76 linear feet of existing timber bulkhead with vinyl bulkhead, and remove and replace in-place $\pm 8'$ northerly timber return with vinyl return; remove and replace in-place $\pm 5' \times 18'$ step-down deck and steps and associated $\pm 18'$ section of lower timber bulkhead, and $\pm 6'$, $\pm 20'$, and $\pm 6'$ sections of timber retaining wall with vinyl bulkheading and retaining walls; remove and replace in-place $\pm 8'$ section of low-sill timber bulkhead at boat ramp, $\pm 14'$ southerly timber return, and $\pm 7'$ section of timber retaining wall with low-sill vinyl bulkhead, vinyl return, and vinyl retaining wall; remove and replace in-kind/in-place existing $4' \times 5'$ platform using untreated decking, $3' \times 12'$ ramp, and $6' \times 20'$ floating dock; and incidentally dredge $8' \times \pm 95'$ area adjacent to bulkhead to a maximum depth of $-4'$ Mean Low Water, and use approximately 15 cubic yards of spoil as backfill. Located: 600 Snug Harbor Road, Greenport. SCTM# 1000-35-5-35

The Trustees did a field inspection June 13th, and the field notes say that suggest a minimum of seven-foot non-turf buffer landward of the bulkhead to match the neighbors to the south.

The LWRP coordinator found this to be exempt.

The Conservation Advisory Council resolved to support this.

Is there anyone here to speak to this application?

MR. HERRMANN: Rob Herrmann of En-Consultants, on behalf of the applicant. This is the same property we just discussed in the prior hearing, and this is, again, this is a straightforward application with no housekeeping issues to address, for what amounts to an in-place replacement of the existing bulkhead and stepdown deck, et cetera.

There is some permit history on the site and there was a prior permit, I think it was 5508, that required a ten-foot non-turf buffer. So we are showing the same ten-foot non-turf buffer on this plan. So we would ask the Board for its approval of the application as it has been submitted.

TRUSTEE DOMINO: Anyone else wish to speak to this application? (Negative response).

Hearing no further comments, questions, I would make a motion to close this hearing.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

I make motion to approve this application with the understanding there will be a ten-foot non-turf buffer landward of the bulkhead.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application, number 12, En-Consultants on behalf of **BAY AVENUE HOLDINGS, LLC, c/o EDWARD VIOLA** requests a Wetland Permit to remove and replace in-place approximately 137 linear feet of existing timber bulkhead with low-sill vinyl bulkhead (keeping face pilings elevated), and remove and replace in-place $\pm 8'$ timber return with low-sill vinyl return; incidentally dredge $5' \times \pm 137'$ area seaward of proposed low-sill bulkhead to a maximum depth of $-3'$ Mean Low Water; and use approximately 25 cubic yards of resultant dredge spoil to back fill approximately 590sq.ft. area landward of low-sill bulkhead to be planted with *Spartina alterniflora* 12"o.c. Located: 8000 Skunk Lane, Cutchogue. SCTM# 1000-104-8-2.5

The project is a return with a suggestion from Trustee Krupski for a low sill bulkhead. The application looks straightforward to the Board based on our field site inspection. It has been deemed to be consistent under the LWRP with a request that turbidity controls be employed during construction.

The Conservation Advisory Council supports the application with a recommendation concerning road runoff mitigation for the area surrounding the boat ramp, which I don't believe is part of this project.

Is there anyone here that wishes to speak to this application?

MR. HERRMANN: Yes, Rob Herrmann of En-Consultants on behalf of the applicant. Assuming the Board was able to visit the site during field inspections, you probably saw why we are proposing

what we are proposing. It's similar to what you have seen in some other sites, other marinas, and it's kind of cool at this point that a low sill bulkhead project like it is just sort of run of the mill.

So I don't really have anything else to say. The application speaks for itself and I am trusting that the Board would view it favorably and be happy about the way we designed it. So unless you have any other questions, that's all I have.

TRUSTEE GOLDSMITH: Looks like a good project.

TRUSTEE BREDEMEYER: No questions. Accordingly, hearing no one else to speak to this application, I move to close the hearing in that matter.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I move to approve this application as submitted with the stipulation that turbidity controls be employed during construction, a standard silt curtain.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Patricia Moore, Esq. on behalf of **FLORENCE VASILAKIS, ALEXANDER VASILAKIS & DEMETRIOS VASILAKIS** request a Wetland Permit to construct a ±137 linear foot long new steel bulkhead with 10' return on east side, in place of existing 10'6" high vinyl bulkhead at toe of bluff, and raise the height of new bulkhead 18" for a total new height of 12'; new bulkhead to be connected to neighbor's bulkhead on west side; remove existing storm damaged deck and stairs; construct new wood bluff stairs consisting of a 3'x5' landing at top of bluff to 3'x9' stairs to a 4'x6' middle platform to 3'x15' stairs with kayak racks under stairs; install a 10'x20' flagstone patio set on gravel with gravel filled joints against the landward edge of the new bulkhead; all disturbed and backfilled areas to be replanted with Cape American beach grass planted 12" o.c.; replace the 4'x5' cantilevered platform and 3'x15' seasonal retractable stairs off bulkhead; and to install and perpetually maintain a 16' wide non-turf buffer that is to be re-vegetated with Cape American beach grass 12" o.c. as needed, up to 2,500sq.ft. Area along the landward edge of the bulkhead. Located: 21625 Soundview Avenue, Southold. SCTM# 1000-135-1-6

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support the application.

The Trustees conducted a field inspection on June 13th, noting it was a straightforward replacement for a damaged, destroyed bulkhead.

Is there anyone here who wish to speak regarding this application?

MS. MOORE: Patricia Moore on behalf of the applicant. If there

are any questions, I'm here to answer them.

TRUSTEE GOLDSMITH: Is anyone else here to speak regarding this application?

(Negative response).

Any questions or comments from the Board?

(No response).

Hearing none, I make a motion to close this hearing.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve as submitted.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Motion to adjourn?

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

Respectfully submitted by,

A handwritten signature in cursive script that reads "Michael J. Domino".

Michael J. Domino, President
Board of Trustees